

Round table discussion – roles and working relationships in councils

Building the capacity to manage local government in an increasingly complex environment

Round Table 2
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ACCOUNTS COMMISSION 

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Introduction

This is the second of two round table events. The first included leading practitioners and academics from England and Wales and covered how the operating context and practice there impacted on the skills and roles required of officers and councillors. This second round table comprised representatives from Scottish local government and discussed these themes further to identify issues and the likely lessons for Scottish local government.

The discussion highlighted that building trust is essential in our era of partnership working. Roles are becoming more complex, not least the issues of working across different partner organisations in health and social care partnerships. This requires officers and councillors to keep up their skills and develop their behaviours. Statutory officers, particularly the monitoring officer have a crucial role in supporting members in their various roles both inside and outside of the council. This includes promoting ethical standards of behaviours. Politics and coalition working is the reality of local government. Officers must find a balance in serving all groups. Decision-making can be a more involved process, but this in itself, if handled well, can help to test proposals and achieve buy-in across groups.

Note: 1. the exchanges are abridged/paraphrased and derived from written notes from the event – they are not to be considered as quotes

The discussion

The operating context for councillors and officers

There are new demands on councils as partnership working and economic development becomes a bigger part of their role. Financial challenges at a time of financial pressures and increasing demand add to the pressures - and at the same time public expectations on councils are growing. All this places great demands on councillors and officers. There is the impetus for councils to look at wider options to help sustain services – this includes getting communities more involved in their design and delivery.

DS: In the first round table we discussed increasing complexity through partnership working particularly health and social care integration. The scale of the future challenges is great and there seems to be a gap in the capacity of councils to deliver the change needed, especially at a time where staffing levels and leadership capacity is reducing in many places. In Scotland we have also seen a gap between the expectations on community planning and the reality on the ground. The permanence of coalitions is a new feature of local government and it is likely there will be few single party administrations after the 2017 local government election. The Community Empowerment Act of 2015 will strengthen the role for communities in local services and local decisions. But it may be hard for some councillors to adapt to this when they are used to making decisions for communities, not with them.

Against this backdrop there are reducing resources, five per cent this year and 11 per cent since 2010/11. All this increases the imperative for service redesign. The role of the council as a driver of economic growth is becoming stronger and calls for a new approach from councillors and officers. They will also need to build relationships and partnerships beyond their council area boundary.

GB: Councils face challenges of financial austerity, an aging population and increasing public expectations. Of the last twenty years or so, the next four to five years is perhaps the most challenging time in local government. The debate is moving to tax and spending and that will continue as Scotland receives more powers.

JS: Councils are taking on wider activities such as City Region Deals. But their residents still expect the day to day jobs such as emptying the bins to be carried out. Councils are expected to take the lead role in their area for economic growth. Private sector and multi-sector partnerships are having a stronger role in England and Wales. Councils may divest themselves of responsibilities, but they may still be accountable, or perceived to accountable by the public.

JL: Alternative service delivery choices are becoming more of a necessity as services and budgets contract. Councils will need to look at wider options to ensure they are able to deliver services in the future. The City Regions Deal for example is very much a public-private partnership that recognises that economic development is vital to the prosperity of the region.

Service re-design and Shared Services

DS: Is there the appetite for service redesign and service improvement within councils?

JS: More shared services are happening than are talked about, for example the use of shared finance and education officers, and functions such as procurement and roads maintenance. The real savings will come through combined contracts and procurement rather than through creating shared teams as such. In England, shared services are more advanced but this is out of necessity, with some councils facing budget reductions of the order of 30 per cent. The cost and effort of major change is such that it is only done if it needs to be.

GB: For some councils there is a steep learning curve when it comes to transformation. The need for savings in Scotland has not been as extreme as in England so the need for service redesign hasn't been so urgent. It can be a mistake to see shared services itself as a driver for reform. For shared services to work there needs to be an agenda beyond just cost savings. A motive to combine administrative functions is negative and not inspiring. What is needed is a vision to deliver significant improvements to services or outcomes, and savings will then flow from this. As an example, recycling has been encouraged through engaging with the public to change behaviour and attitudes. The focus is on improvement, not saving money, but, in turn, money was saved as a result. What is important is a broad consensus across partners and a willingness to make change happen – often momentum can be lost where the approach is too heavily evidence-based, for example around developing detailed business cases.

The importance of a positive story applies equally to community engagement. For this agenda to work councils and their partners need to tap into the commitment and ambition already in communities and not just see this as a way to ask them to run services councils can no longer afford.

JS: It is important to look at sector opportunities and avoid turf wars. A good example is the joint emergency response by fire and ambulance services to respond more quickly to incidents.

TM: The re-design of bin collections in Edinburgh was successful and was promoted as a way to reduce landfill and increase recycling.

GB: This contrasts with a situation in another council that failed because the emphasis was on reducing costs and the administration lost power because of it.

RK: Bi-lateral and tri-lateral shared services have been more effective than situations where multiple parties are involved. The process is then not so complex and reduces the fear of the parties losing a stake or control – or indeed losing local jobs. Service re-design is really about improvement and can require a fundamental re-think. While there has been a financial imperative to look to alternative service options, many Conservative-run councils in England have also taken to this approach for political reasons.

AC: Do city region deals will help encourage shared services - it looks that way to me from my discussions with councils about their ambitions in this area?

JL: The emphasis of the deals is on economic development not cost cutting, and there is a positive story of job creation and digitalisation around this. The city region deal in Aberdeen has already begun to break down barriers between councils, universities and the private sector.

DS: Are councils doing enough around options appraisal in areas such as housing where there are opportunities for social enterprises or mutuals owned by tenants and employees?

JS: There are questions around the roles for councillors in these new structures and the potential for conflicts. More thought should be given on how to manage these conflicts as they will become more common with public sector reform. Councillors do not always understand the complexities of companies and boards and the risks of conflicts where they have a dual role in the council.

Councillor Skills and development

Councillors are elected to represent their communities, but their wider role and responsibilities to the council and the local area are increasing and becoming more complex. Councillors must take opportunities to develop their skills and behaviours, and officers must support them, taking into account their experience and development needs. This has to be an ongoing process, not just a one-off induction.

DS: Do councillors have the skills and ability to undertake their increasingly demanding role? It may be worth noting that a survey of Scottish councillors from 2012 shows that 73% of councillors are over 50 years old; fewer than 10% are under 40; and only 25% are women. Is there a way to attract more diverse and young councillors?

JL: There are no formal qualifications required of councillors. The skills base is now more about finance and economic development, and not all councillors understand the role when they start. More traditionally, the role has been seen as about interacting with the community.

GB: And of course getting elected is a skill in itself!

JL: The 2007 changes to councillor pay helped to attract councillors, but were not enough. It is difficult to attract talented individuals to the role without paying more. Younger councillors in particular may need a second job in order to support their families. The ethos and commitment to the job is suffering because councillors need to supplement their income and this means we don't get the full strength of commitment.

TM: I agree and this risks losing the talent pool.

DS: How easy it is for councillors to ask employers for reasonable time off?

JL: There can be big differences between employers, and some are reluctant to do this - the civil service seems to be a good example.

DS: There used to be a split between more strategic (regional) and constituency (district) roles for councillors. The role is changing and councillors and officers may not always have a full understanding of what it should be. There is no requirement in the Councillor Code of Conduct for training and there is no national job description for councillors. But councillors need to make sure they benefit from training and development.

GB: Politics is not a meritocracy and we should perhaps not over-professionalise something that isn't a profession.

RK: I agree there is a risk of asking too much from councillors, especially if the councillor's ambition is mainly to represent their community. Council officers could do more to support councillors for example councillors rarely have officer support for their external engagements. Support for councillors tends to be good at an administrative level but not so good for more strategic issues. Also commitment to training can be short-lived but there needs to be sustained interest from both councillors and officers.

TM: The collective wisdom of committees can be impressive, but that they can fall short in some crucial matters and this can impact on the quality of decision making. Is there a need for the type of mandatory training for statutory committees such as licensing to be widened to other policy and service areas, for example finance and education?

RK: Training often falls short through being too banal or over complex – particularly in areas such as finance.

JS: Officers rarely take into account councillors backgrounds and capability. This can lead to bland training programmes that do not recognise their strengths and actual needs.

TM: As a councillor, I 'didn't know what I didn't know' and felt training would have been better developed on a one-to-one basis once I'd had been in post for some time.

KW: Councillors can be overloaded at the start and this should be avoided.

GB: There are benefits of officers providing training for newly elected councillors in the transition period before they take office.

Roles and working relationships between councillors and officers

Coalitions place greater demands on councillors and officers alike, but if used well they can help to test policy-making and decisions. Officers must treat all political groups equitably, but have particular duties to support the administration, and council as a whole in implementing its agreed priorities.

DS: The broadly accepted roles for members is around setting the political direction and policy setting, and, in turn, officers have an implementation role. Coalitions have become the new norm for local government and this is adding to the demands. How should chief executives serve the council and balance their support between the administration and opposition for example?

JS: There is a practical reality of serving the administration – this is a necessary focus to commit resources, especially where the council has a strong majority and clear priorities. Chief executives need to operate in a political context, but be careful not to overstep the mark and take on the political management role that belongs within political groups. Serving all parties/groups is not necessarily a conflict – it is a learning process – and in some cases an element of ‘shuttle-diplomacy’ may be required and this can be difficult.

GB: Officers need to be even-handed and gain the trust of all political groups, but there is a closer connection with the administration. Officers should treat all groups equally in dealing with local issues, and advising on the facts around council business. It would be natural, though, to explain the nuances around certain issues more fully to administration members or leaders given their role. The relationship between the leader and chief executive is crucial, and it is important to maintain relationships and trust across all groups.

JL: The dynamics of the relationship between council leader and chief executive is largely down to personalities and needs to recognise individual styles and preferences. In Aberdeen, we have taken the conscious decision to hold regular joint meetings with all group leaders and senior officers. This helps to build cross party relationships and gain greater consensus. But politics can’t be taken out of it and divisions will feature.

JS: This is an area where SOLACE and the Improvement Service could provide some independent review and support to councils.

Demands of coalition working

DS: Are there risks of instability in coalitions and how can these be mitigated against?

GB: Coalitions can be harder to manage and there can be further divisions within political groups themselves. There are periods of stability and instability. The trick is to anticipate instability and recognise that in a political environment there will be political players.

JS: It can be difficult in practice to keep up with the dynamics in councils and these can change daily.

AC: When I was working in a council in England a change in administration from Labour to Conservative put the chief executive in a difficult position, not least negotiating across strong but politically divided groups, including a well-informed opposition.

TM: Stronger political leaders in councils can hold a strong grip on a mandate that even the leader may struggle to influence. There are situations where a strong chief executive can intervene in the political process to help move things forward.

JS: There is a role for chief executives to coach directors on how best to interact with councillors. Many councils use 'coalition agreements' to assist in this.

Decision-making

AC: Politics can be a significant driver and has an impact on the services people receive. It is important that public bodies make the best decisions and there is a risk if senior officers do not have the confidence to 'speak truth to power'. Recently there have been some questions from the NAO over whether senior civil servants' challenge ministers sufficiently over issues such as value for money – this is an important part of accountability and checks and balances need to be in place.

JL: It takes more effort to manage and work effectively in a coalition. It can bring less certainty over decision-making.

JS: The rise in coalitions has meant that decision-making process is more complex. Where there are multiple groups and independent or non-aligned councillors, voting can be more unpredictable. This contrasts with decision-making where there is a large majority and 'whipping' is the norm. Traditional decision-making processes, or the 'usual channels' do not always work in coalition settings.

RK: But I think that a more involved process to debate and develop proposals can lead to better decisions. Such decisions can offer greater transparency and openness than those where the majority make the decision in private and vote accordingly. It takes skill though to set the terms for a reasonable time scale to reach decisions, and this should allow for and recognise the value of inter-party debate, albeit that at times this can be a costly process.

TM: Officers time can be wasted if not enough time is spent on discussion and debate at the start of the decision making process. Otherwise decisions can be over turned after a significant amount of work has already been carried out.

KW: It is also important that officers and councillors have the time to work together in private, without press or public attention, to allow for honest discussions.

Interaction between officers and councillors

DS: What is the practise for councillors to interact with the Chief Executive and senior management and how does this vary?

RK: I have seen the situation where councillors are told they can only speak to chief officers – so they can get to know what is going on in their departments. This may be more practical also in larger councils, but often it can be more helpful if discussions are delegated.

JS: It is often preferable for councillors to speak to the most directly involved officers. But in a minority of situations, councillors could take advantage of more junior staff for their own means – exchanges need to be respectful and not be compromised.

DS: Should particular officers be nominated to support administration and opposition groups, for example in the budget preparation process?

JL: Budget-setting can be a testing time for officers with challenges from councillors over who gets what information. It is important that councillors get access to the same information. Officers should provide the information they are asked and maintain trust and confidences over their individual discussions with councillors – not least for reasons of integrity and impartiality.

KW: As a legal representative, I think it important to treat the council as a single client and treat representatives equitably to avoid potential conflicts.

JS: Officers should not be perceived to be too aligned with the administration. In principle there shouldn't be alignment and officers must demonstrate neutrality.

GB: In larger councils it may be pragmatic though to allocate separate officers to administrative and opposition groups. For budget setting in Glasgow the finance director advised the administration, and finance managers were allocated to different political groups. This helped to protect officers as they were not working between groups. It also reflected the practical reality that in setting a complex budget, the finance director would not have had time personally to engage across the politically groups.

TM: In the City of Edinburgh Council I experienced a similar situation where individual coalition parties were allocated particular portfolios. As such, these parties tended to be supported by particular groups of officers for advice and policy support, with the chief executive working to resolve any conflicts.

RK: I think that local factors need to be taken into account including the size and scale of the council and the particular political processes that work for the council.

The role of statutory officer

Statutory officers have an important role to ensure councils operate effectively in an ever more complex operating environment – and the demands and scope of these roles is increasing. They must have sufficient status and influence in the council.

DS: Statutory officers have an important role in education, social work, finance and legal matters. Do you feel these roles are given sufficient status and influence in the organisation – for example in having 'a right to audience' with the chief executive?

KW: Statutory officers should be given sufficient status and that there is a need to encourage the best people to the roles.

GB: I agree that statutory officers should be at the top table, there is a risk otherwise that they could be seen as a negative influence trying to block proposals. They should in fact be part of the team helping to shape proposals with a 'how can we get this done' attitude.

GB: I have seen the situation where the chief social work officer was third tier because the director post did not hold the necessary professional qualification. In this case the director had to both oversee the statutory role and run the service - adding to workload pressures.

KW: In some councils restructuring and cuts has led to the role of the monitoring officer being diminished. It is important that the monitoring officer is a member of the strategic management team with full access to decision-making. Otherwise there could be a lack of respect being shown to them. As well as ensuring the council observes its legal responsibilities, the monitoring officer has a role in ethical standards and behaviours. They can be exposed when executing this important role as there is no statutory requirement for a council to appoint an officer responsible for ethical standards as such. - even the monitoring officer role. This is a much clearer requirement for Integrated joint boards (IJB).

DS: This could be an issue for chief executives to grasp.

GB: Chief executives should use finance and monitoring officers to help them strike the right balance between meeting the council's ambitions and managing risk.

DS: Often the best monitoring officers never need to report to council, and part of this is being involved in shaping proposals from the start. It's a bit like the analogy of the referee – rather than needing to brandish a red or yellow card, the presence of statutory officers as part of the decision-making team and their option to flag issues should be enough.

KW: It could be said the day you need to write a section 95 report, is the day you've failed.

DS: What about the new posts of chief education officers - are there any lessons there?

JS: There can be a potential tension with these posts being responsible to both council chief executives and ministers. However, education services already aim to align with national expectations to improve educational attainment. Similar to our discussion about councillors, there should be some thought given to how ministers should best make direct contact with education departments – for example not to bypass the Chief Executive'.

Officer appointments.

Both councillors and officers should have a say in key appointments. Measures must be in place to ensure that appointments and appeals procedures in particular are objective and consistent with the council's corporate values.

DS: Councillors and officers have joint responsibilities in making appointments. The old days of members getting involved in relatively junior appointments are long gone– but what are the lessons here?

JL: It is important that the chief executive has a strong say in all senior officer appointments, and there is a role for councillors - and increasingly other stakeholders given the external focus of senior leadership roles.

JS: Appointments should be a team effort – and councillors need to have confidence in appointments as they are accountable for service delivery – it is not an 'either/or' and decisions excluding officers or councillors can create unhelpful tensions.

KW: No candidate should reach councillors for their approval without the chief executive's consent.

GB: Assessment centres give pointers but there is a need to gauge the person's skills, their ability to lead the team and to handle crises. I would hope that officers would advise candidly where there are doubts about this, even where the candidate may be a councillor's preferred choice.

RK: Appointment choices benefit also from informal discussions to ensure all short-listed are appointable –sometimes councillors are becoming less involved.

RK: Unlike in the private sector, it is more difficult to buy-out wrong appointments.

JS: there can be instances where appointments are made for political reasons. Political difficulties can arise where appointments are made but are not supported by the chief executive, but these situations are rare.

KW: For me councillors role in the dismissal/appeals process is a bigger issue. The outcome of appeals and dismissal procedures can have major implications for individuals and their careers. This is especially true where senior employees may be reluctant to go to employee tribunals - as these can offer limited compensation.

GB: The decisions of appeals panels can be influenced by elected members, but it is important that cases are assessed on their merit.

RK: There are risks where decisions are seen to be wrong or inconsistent with corporate norms.

JS: If councillors are seen to influence or overturn decisions where the original grounds for dismissal were sound, this will send out the wrong messages to employees.

DS: There is a need for objectivity and this may be an issue for COSLA/ and the relevant employers associations to pick up on.

Roles on boards

There are advantages and disadvantages of having council representatives on boards, including arm's-length companies. But where councillors and officers take such positions there can be inherent conflicts of interest.

DS: There is increasing use of arm's-length organisations by councils. This can bring risks of conflicts of interest where councillors and council officers have a role on their boards.

RK: There is a conflict for councillors - they have been elected to represent their community, but as board members need to act in the best interest of the company or IJB.

KW: The councillors code of conduct recognises potential conflicts of interests where councillors hold external appointments – but it does not define conflicts very closely. It is perhaps too demanding of councillors to be board members as their connection and influence in the council can lead to their position being compromised or conflicted.

GB: It's worth giving the background to Glasgow's ALEOs. The services provided by these were originally council-run services, and negotiations with stakeholders, including trades unions, favoured having councillors on the boards of these new bodies. The expectation was that these bodies would evolve and take on wider role but this hasn't always happened.

JL: Aberdeen took the conscious decision not to have councillors on the boards for its care ALEO. This was because of the risks of conflicts of interest and to recognise the types of skills and experience needed. Often councillors have been chosen for their availability not their skills. Also councillors are not always aware of the risks and potential conflicts of taking such positions.

TM: It seems that councillors' understanding of roles is an issue, also in some cases I have seen very limited scrutiny from councillors taking such positions.

RK: Officers need to support councillors in their diverse roles including taking positions on boards. Councillors can make a good contribution with their skill sets and orientation, and also as non-experts they can ask candid questions to help clarification.

TM: This can be a strength and can also help the public to understand the situation.

JS: Having both officers and councillors on the same board can also create an unhelpful dynamic and it is often better to have either members or officers but not both. Councillors or council officers can often be perceived as 'officials' on the board. There is a need for more clarity over the risks and potential conflicts rather than a block on councillors taking such positions.

Integrated Joint Boards

There is a real challenge to councils, health boards, and other parties on IJBs to create a common purpose and culture. This will take time to develop and may require further options to be considered to ensure IJBs have a unified identity.

DS: A key relationship on IJBs is between the council leader and the chair of the health board - how do you create an IJB culture?

GB: It takes time to understand the differences. There are different reporting lines, accountabilities and management approaches. For example health boards aim not to underspend against budgets; but in councils there is a culture not to overspend. There are also differences in employment practice.

KW: Employment legislation could become a testing factor. The challenge is for IJBs to create a culture that all parties can buy into – there is no single answer on how to do this.

JL: For the Aberdeen IJB we used meetings, workshops and newsletters to help create a shared understanding and vision. The challenge is to get all parties to understand that it is a merger not a takeover and not to focus on who is contributing what - which is natural when money is tight. There can be practical issues in getting non-executive representatives as the health bodies typically cover a wider area across several councils and this creates demands on them.

KW: Local government and health have 'different molecular structures' and mix like oil and water; one is elected, one isn't and both have different reporting structures. It is interesting that the one model proven to work (Highland) is not the option councils and health boards have picked. Instead the route has been to create joint corporate bodies – these may be easier to understand, but perhaps suggests less trust between parties. Having a third separate independent body could have been a better option.

GB: It seems these organisations are too large to merge entirely. A step toward this that has already been suggested could be for the IJB to directly employ senior management down to a certain level. This would help to create a common IJB culture.

JS: What is more important as criteria for success – the actual practice on the ground or the effectiveness of a board? The challenge for IJBs is to deliver better services for the people that use them.

Complaints and ethical standards

Councillors and officers must demonstrate mutual trust and respect. There are times when an external resolution to complaints can help, but the need for this should be prevented where possible.

KW: An issue of concern to SOLAR is a growing sense of a lack of trust and respect shown to officers by councillors. Officers are finding that their professional and legal advice is not always being listened to and councillors are taking independent legal advice beyond the council solicitor. Such mistrust is often a result of party politics, but could also arise where councillors feel the council is too 'officer-led.' Stronger trust is needed and this will also lead to the better use of officer resources.

LJ: I can confirm that the Standards Commission is seeing more complaints about councillors not respecting officers.

KW: Complaints about councillors seems to be a feature in coalitions. In coalitions power has moved away from leadership groups to individual members – and individual votes can swing the balance of decisions. The practice of 'whipping' also seems to be declining and members have more independence in their voting.

DS: Under the code of conduct, councillors should not criticise and name officials, but is there less clear guidance for MSPs and any inconsistency in the rules for elected representatives?

LJ: There is a difference in the guidance and legislation, but the Commissioner for Ethical Standards in Public Life in Scotland covers conduct for MSPs. There is no means to address complaints against officers beyond the complaints and grievance processes within councils. When we deal with complaints and referrals, the Standards Commission do not name officers below a certain level and this gives them some protection. This should be seen as a two-way principle and officers must also show respect for councillors.

JS: There are instances where inappropriate complaints could be made against an officer to help move a decision. These are best handled internally at first to determine whether the complaint is legitimate. If this is the case the complaint should not be progressed, and should certainly not be referred externally.

LJ: This is an issue that we recognise at the Standards Commission. When we undertake an investigation we examine whether there has been a breach of code in the issue referred to us, but we do not examine the motive behind complaints.

GB: External examination can help to bring closure to such cases.

DS: How difficult it is for an officer to raise a complaint over a councillor?

LJ: This would often be a last resort as officers feel they will be criticised at a hearing. This as a potential area for the Standards Commission to consider further.

DS: Are there any further issues that the group have not touched on?

JS: There seems to be a shift in emphasis in England with Ministers holding Ministries or departments to account; rather than being accountable for them. This is less the case in Scotland.

KW: Social media and instantaneous communications is changing the dynamic in public life. There is no means to regulate this and it is becoming an increasing area of risk for councillor conduct.

RK: Further changes are the decrease in councillors use of face to face surgeries, and much less use of communication by letter.

DS: The increasing use of social media and email must also place greater demands on the capacity of councillors to respond to queries. I think this brings the discussion full circle to our earlier round table debate about the capacity of councillors to deal with the increasing complexity of their role.

END.



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