

ENVIRONMENT, CULTURE AND COMMUNITIES OVERVIEW AND SCRUTINY PANEL
16 MARCH 2009

OVERVIEW AND SCRUTINY OF BRACKNELL FOREST PARTNERSHIP
(Head of Overview and Scrutiny)

1 INTRODUCTION

- 1.1 This report invites the Environment, Culture and Communities Overview and Scrutiny (O&S) Panel to endorse the proposed approach to Overview and Scrutiny of Bracknell Forest Partnership (BFP). The Overview and Scrutiny Commission and the O&S Panels for Health and Social Care and Learning are also being asked to endorse this proposed approach as it is essential for the Council's overall approach to be uniform.

2 SUGGESTED ACTION

- 2.1 **That the Panel endorses the proposed approach to Overview and Scrutiny of Bracknell Forest Partnership set out in Annex 1.**

3 SUPPORTING INFORMATION

- 3.1 The proposals in Annex 1 serve to implement the recommendations in the O&S report on the Local Area Agreement in 2008, which Members will recall were accepted by the Executive and BFP's Board. Extending O&S into the partnership field will make demands on Member and officer time, and it is proposed to address this by: spreading the work between the Commission and the three Panels over the whole of 2009/10; not committing to any specific O&S reviews at this stage; and trying to collect information as far as possible by a questionnaire. To assist the Theme Partnerships' lead officers to complete the questionnaire, officers will be writing to them and the Theme Partnership Chairmen, explaining what the purpose of the information gathering is, offering a briefing meeting to them all, and asking the clerks to complete the basic information.
- 3.2 Whilst the information gathering stage in 2009/10 can be covered by existing resources, the longer term resource implications of partnership scrutiny are unclear at this point. Bracknell Forest Council, like every other upper-tier local authority, is entering a significant new area of O&S at the government's behest, also in our case BFP's behest (via the governance protocol), the government's statutory guidance on partner scrutiny is awaited, and it remains to be seen what reviews O&S Members may want to carry out.

Background Papers

Overview and Scrutiny legislation.
Centre for Public Scrutiny and Birmingham University material.
Report of the O&S Working Group on the review of the Local Area Agreement, 2008.

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THE APPROACH TO OVERVIEW AND SCRUTINY OF THE BRACKNELL FOREST PARTNERSHIP IN 2009/10

This paper sets out the proposed approach by the Overview and Scrutiny (O&S) Commission and Panels of Bracknell Forest Council to the O&S of Bracknell Forest Partnership (BFP), the Local Strategic Partnership (LSP) for the Borough of Bracknell Forest. We will be inviting views on this approach from the Council and its partners in BFP.

Our approach is driven by three important factors:

New Legislation and Government Guidance

The commencement date for the O&S provisions in the Local Government and Public Involvement in Health Act 2007 will be April 2009. To prepare for this, Communities and Local Government (CLG) has commissioned the Centre for Public Scrutiny to draft best practice guidance for those issues which relate to the local authority scrutiny function, principally in Section 121 of the Act. Subject to CLG's agreement, the first three pieces of this guidance will be on the Councillor Call for Action, arrangements for the scrutiny of partners, and arrangements around joint committees and district councils.

The Local Government and Public Involvement in Health Act 2007 is complex legislation which, among many other matters, sets out to strengthen scrutiny. Much of this will depend on regulations and guidance, which have been delayed. The Act requires that, 'Relevant partner authorities' (a number of public bodies are listed in the Act) must provide information to O&S Committees. The Act empowers O&S to publish reports, and if so, the Executive, within 2 months, must consider the report and any recommendations, and respond indicating actions to be taken. Once a report has been written, O&S may require relevant [external] partners to have regard to the report in exercising their functions. This applies where the report relates to a local improvement target which relates to the relevant partner, and is specified in the Local Area Agreement (LAA). The Act excludes issues relating to crime and disorder (see below), neither does it apply to Primary Care Trusts (PCT) – where local authorities have separate powers of statutory scrutiny.

The Police and Justice Act 2006 contains a requirement on local authorities to scrutinise Community Safety Partnerships. This part of the Act has yet to receive a Commencement Order, and further government guidance on the local accountability arrangements for the Police is awaited.

Emerging National Best Practice

The O&S of LSPs is a new issue, and in advance of the government guidance there is very little information available on what constitutes best practice nationally. The University of Birmingham's¹ recent advice on the O&S of LSP's is:

- It is probably the cutting edge of local government scrutiny currently
- It is an extremely hard challenge for scrutiny
- Partnership scrutiny is not easy to do, since LAAs are the results of delicate negotiations by partnership bodies
- Most of those involved are not very familiar with scrutiny – but some are (e.g. health)

¹ The University of Birmingham's INLOGOV unit is one of the leading authorities on local government O&S

- At the point where a partnership has just sat round and agreed targets, scrutiny may not be the first thing on their minds
- To make it work will need good preparation and diplomacy and goodwill on all sides – to get in early and demonstrate that they are additional
- Take great care
- Go for process rather than detail at first
- Win confidences if you can
- At an appropriate time, conduct full investigations around particular targets
- This to include getting inspectorates to appear as witnesses
- It could be fraught but ultimately it can be very rewarding indeed
- LAAs raise similar issues to scrutiny of performance
- Initially, probably concentration of scrutiny on the process rather than the targets themselves.

Birmingham University have identified two county councils, Cambridgeshire and Suffolk, which have made innovative progress in scrutinising their LAAs. The information on those has been taken into account in this paper. It is notable that the O&S groups formed in both cases had very few representatives of the wider partnership, membership being confined mainly to county and district councillors, and in one case independent community representatives. The two groups have reviewed issues including the selection of the LAA improvement targets, governance arrangements and performance management. They reported that the lessons learnt included: timing is everything, preparation is key, resourcing was a problem (both member and officer time), building a shared understanding of scrutiny and of the LAA; relationship building, being alert to the politics, and awareness that their model is not perfect.

The Foundation set in the 2008 O&S Review of the Local Area Agreement

The recommendations of the Report by a Working Group of the Overview and Scrutiny Commission on the Local Area Agreement in September 2008, all of which were agreed, are reproduced in Appendix 1. The main conclusion of that report was that the Council's O&S function, in concert with those exercising similar roles in partner organisations, needs to support the BFP's journey of improvement through constructively scrutinising the partnership's policies, plans and achievements. The aim for this O&S work is to serve and empower the Bracknell Forest community by stimulating public engagement, influencing plans and outcomes, and holding decision-makers to account. The report's recommendations which are particularly relevant to the approach to O&S of Bracknell Forest Partnership being proposed in this paper are:

- In collaboration with those charged with ensuring accountability in the BFP partner organisations, to coordinate a programme of O&S of major issues of interest to the partnership as a whole.
- The O&SC should map all the principal scrutiny and accountability arrangements in the BFP. This should include sending a short questionnaire requesting information from all BFPB Members and the Board Members of the BFP Theme Partnerships.
- That a closer working relationship is encouraged between the BFPB and the O&SC in order to develop a positive and constructive atmosphere and understanding for effective scrutiny to strengthen the LAA.

- The O&SC should establish arrangements to ensure that a coordinated programme of O&S coverage is designed and delivered in concert with partners.
- O&S Panels should consider the Theme Partnerships that exist within their areas of coverage and invite leading officers to Panel meetings to describe the work they do and the way in which the scrutiny process may aid this.
- That the O&SC receives a progress report [from the Working Group] on the action taken on these recommendations in six months time.

Proposed Approach

Taking into account the new legislation and the emerging national best practice set out above, and in furtherance of the agreed recommendations in the 2008 O&S Review of the Local Area Agreement, the O&S Commission (O&SC) and Panels propose the following approach to the O&S of the Bracknell Forest Partnership in 2008/09. This is subject to consultation with partner representatives, and it will need to be refined on the commencement of legislation and the issuance of government guidance, as well as in the light of practical learning and experience of this new approach.

- (i) Within the Council, the O&SC will lead in coordinating the O&S of the Bracknell Forest Partnership, and together with the O&S Panels and partner representatives (see below) will carry out that work.
- (ii) It is clear that effective collaboration with partners will be vital to the success of O&S of the Partnership. Whilst the Council has the statutory lead, we believe that involving partners' representatives is essential if we are to secure the goodwill and cooperation of partners, and to realise the benefit of wider sharing and application of knowledge and different perspectives. The O&SC will therefore approach the Boards or other governing authorities of the partner organisations (excluding Government Office for the South East and the South East England Development Agency) making up the BFP Board (the PCT, Royal Berkshire Fire and Rescue Authority, the Thames Valley Police Authority, Bracknell Forest Voluntary Action, and the Bracknell Regeneration Partnership) to form a non-statutory Partnership Overview and Scrutiny Group for the Partnership. Each organisation will be asked to nominate to the Group a representative from amongst their Non-Executive Directors, or equivalent positions of those charged with holding the executive of their organisations to account.
- (iii) In view of the Council's statutory duties relating to the O&S of LSP's, also the Council's O&S duty set out BFP's Governance Protocol², the Partnership Overview and Scrutiny Group will be led by the Chairman of the Council's O&S Commission, and its membership will also include a representative of each of the three O&S Panels. The broad purpose of this group will be to agree and coordinate a constructive programme of O&S of BFP's arrangements and performance, to participate in individual O&S reviews as appropriate, to review BFP's annual report on the progress of the LAA, and to report at least annually. The exact terms of reference for the group will be determined by the Group.

² The BFP Governance protocol states, 'The Council shall facilitate the scrutiny of the work of the Partnership through its Overview and Scrutiny process. The process shall include scrutiny of the membership of the Partnership and how organisations and individuals are selected for representation'.

- (iv) With the involvement of the BFP O&S Group, the O&S Commission and Panels will commence a structured programme of information gathering and initial analysis of the BFP's affairs. This work will be apportioned as follows:

O&S Commission – BFP's Board and the Town Centre Partnership, the Crime and Disorder Reduction Partnership, and the Economic and Skills Development Partnership.

Environment, Culture and Communities O&S Panel - the Strategic Housing Partnership, the Cultural Partnership, the Transport Partnership, and the Climate Change Partnership.

Social Care and Learning O&S Panel - the Children's Trust, and the Early Years, Child Care and Play Partnership.

Health O&S Panel - the Health and Social Care Partnership.

- (v) The information gathering will comprise initially asking the Chairmen and Lead officers for the ten Theme Partnerships to complete a questionnaire, and then for the responses to the questionnaire to inform individual meetings by the Commission/Panel concerned with the Chairmen and Lead officers for each of the Theme Partnerships, individually. These will form part of the public meetings of the Commission and Panels throughout 2009/10, and members of the BFP O&S Group will be encouraged to attend and observe those meetings.
- (vi) The structured series of meetings with the Chairmen and lead officers of the Theme Partnerships will contribute to relationship building, which is important, and we will look to see how this can be developed further.
- (vii) The purpose of the questionnaire to be sent in advance of the meetings is to gather all the basic information on the work and organisation of each Theme partnership, to make best use of members' time at the ensuing meetings. The draft questionnaire we propose sending is at Appendix 2.
- (viii) The Commission will receive and consider the quarterly performance progress reports on the Local Area Agreement and these will be circulated to the O&S Panels for information.
- (ix) The Commission, in consultation with the BFP O&S Group, the Panels, and BFP's Board, will issue a progress report on the work set out above, by April 2010. This will probably include a series of observations and recommendations. At that stage, we will refine our approach to the continuing O&S of the BFP, with reference to the outcome of the legislative process and any new government guidance, and recommend to the O&S Commission and the BFP O&S Group any particular O&S reviews for inclusion on the O&S Work Programme.

Recommendations of the Report by a Working Group of the Overview and Scrutiny Commission on the Local Area Agreement, September 2008³

The following recommendations were agreed by the Council's Executive, Bracknell Forest Partnership's Board, the O&S Commission and Panels.

To the Bracknell Forest Partnership Board

- a) As a start to effective scrutiny the BFPB is asked to provide quarterly progress reports on the LAA to the O&SC and should discuss with Council officers how this might be best achieved.
- b) Effective O&S can be achieved by establishing the arrangements described in this report. The BFPB should consider what issues may gain advantage to the decision-making process by being referred to the appropriate O&S Panel or the Commission for enquiry. This is a service with which the Council as a leading partner already has good experience and skill to carry out.
- c) The BFPB and the Council's Executive are invited to acknowledge that the Council's O&S function has two principal purposes: to carry out O&S in relation to the Council's own contribution to the SCS and LAA, in dialogue with Councillors and Council officers; and in collaboration with those charged with ensuring accountability in the BFP partner organisations, to coordinate a programme of O&S of major issues of interest to the partnership as a whole.
- d) With the support of the BFPB, the O&SC should map all the principal scrutiny and accountability arrangements in the BFP. This should include sending a short questionnaire requesting information from all BFPB Members and the Board Members of the BFP d Partnerships.
- e) That a closer working relationship is encouraged between the BFPB and the O&SC in order to develop a positive and constructive atmosphere and understanding for effective scrutiny to strengthen the LAA.

To Bracknell Forest Council's Executive Member for Council Strategy and Community Cohesion

- f) The BFPB and the Council's Executive are invited to acknowledge that the Council's O&S function has two principal purposes: to carry out O&S in relation to the Council's own contribution to the SCS and LAA, in dialogue with Councillors and Council officers; and in collaboration with those charged with ensuring accountability in the BFP partner organisations, to coordinate a programme of O&S of major issues of interest to the partnership as a whole.

³ The Report by the Working Group can be viewed on the O&S section of the Council's website <http://www.bracknell-forest.gov.uk/>

To the Overview and Scrutiny Commission

- g) The Department for Communities and Local Government (DCLG) is currently consulting on developing O&S in the partnership context⁴. The consultation closes on 30 October 2008, and the O&SC should respond to it.
- h) The O&SC should continue to be alert to emerging national good practice of scrutiny of LAAs, and contribute to it.
- i) In regard to f) above, the O&SC should establish arrangements to ensure that a coordinated programme of O&S coverage is designed and delivered in concert with partners.
- j) With the support of the BFPB, the O&SC should map all the principal scrutiny and accountability arrangements in the BFP. This should include sending a short questionnaire requesting information from all BFPB Members and the Board Members of the BFP d Partnerships.
- k) When the Council's O&S work programme is being developed the Chairman of the O&SC should write to the BFP Board to seek their comments.
- l) That a closer working relationship is encouraged between the BFPB and the O&SC in order to develop a positive and constructive atmosphere and understanding for effective scrutiny to strengthen the LAA.

To the Overview and Scrutiny Panels

- m) O&S Panels should consider the Theme partnerships that exist within their areas of coverage and invite leading officers to Panel meetings to describe the work they do and the way in which the scrutiny process may aid this.
- n) That when draft reports are prepared by O&S Panels those matters that might be related to partnership issues should be sent first to the BFPB for comment before passing them to Executive Members for comment.
- o) That the scrutiny of any Theme partnership is undertaken with sensitivity. Scoping must be agreed by all parties involved before work begins, to avoid misunderstanding, unnecessary concern or dispute. Any success arising from scrutiny reviews should be jointly acknowledged with contributing partners; to enhance the spirit of co-operation we aim to achieve through partnership working.

To the working Group of the Overview and Scrutiny Commission

- p) That the O&SC receives a progress report on the action taken on these recommendations in six months time.

⁴ <http://www.communities.gov.uk/communities/communityempowerment/communitiesincontrol/>

Appendix 2

Draft Questionnaire for completion by the Chairman and Lead Officer of BFP's Board and each of the 10 BFP Theme Partnerships

Notes – an accompanying letter will explain the role of O&S and the background to this questionnaire, which has the support of the BFP Board. The clerks for BFP's Board and the Theme Partnerships will be asked to complete the basic information before passing this to the lead officer.

A: Name of Partnership:	Comments
Chairman's name and contact details:	
Lead Officer's name and contact details:	

B: Partnership details	Comments
1. Please attach the terms of reference for the partnership . If it is not in the TOR, please outline the agreed aims, key objectives and key functions	
2. Please provide a few examples of the partnership's major achievements	
3. Where do you think the partnership currently is in terms of its stage of development? E.g. early formation, delivering shared outcomes, or fully developed?	
4. Please describe any major obstacles towards the partnership's success	

Membership	
5. If not in the TOR, please list the current members of the partnership and the organisations they represent	
6. If not in the TOR, please describe the arrangements for appointing members to the partnership	
Minutes	
7. Please provide minutes of meetings in the last year	

C: Governance arrangements	Comments
1. Please provide any recent self-assessment of governance arrangements for the Partnership, or describe any plans to do so.	
2. How are decisions made? Is there a scheme of delegation that makes clear who can take decisions?	
3. How are decisions recorded?	
4. Who makes sure decisions are acted upon?	
5. Please describe how the partnership is held to account, and by whom	
6. Risk management - Has the Partnership itself carried out a formal risk assessment of the Partnership? If yes, please provide details	

D: Performance management	Comments
1. Please describe the arrangements for setting output/outcome targets, and give details of the partnership's targets for 2008/09	
2. Please describe the arrangements for monitoring and reporting progress against targets	
3. How does the partnership agree action on targets that are not likely to be met?	
4. How do you demonstrate publicly that the partnership adds value?	
5. How does the public know that the partnership achieves value for money?	
6. Does the Partnership contribute accounts of success to the BFP's communications group?	

E: Financial Management	Comments
1. How is the partnership funded? (on the basis of the last financial year)	
2. Who decides on how to spend the money?	

3. Can the money be reallocated? If so, who can authorise this?	
4. What are the financial reporting arrangements?	

F: Serving the Public (For response just by BFP's Board)	Comments
1. Does the partnership have a communications policy? If so, please provide this	
2. How does this partnership achieve accessibility for the public? (for example, are meetings open to the public?)	
3. Is there a complaints and suggestions process the public can use?	

G: Overview and Scrutiny of the Partnership	Comments
1. Does the partnership have any views on how O&S can assist in its development and achievement of objectives?	
2. Does the partnership have any suggestions for O&S reviews to be considered for the partnership O&S programme?	

If there are any queries on the completion of this questionnaire, please contact Richard Beaumont, Head of Overview and Scrutiny, Bracknell Forest Council on 01344 352283 or Richard.Beaumont@Bracknell-Forest.gov.uk