

Report to Governance Committee

24 September 2021

Review of Joint Arrangements

Report by Director of Law and Assurance

Electoral division: Not applicable

Summary

The report provides an update on the joint working arrangements between the County Council and East Sussex County Council in relation to governance and leadership with a particular focus on the agreement for the appointment of a joint chief executive. This review, aligned with a similar review at East Sussex County Council, meets the requirements of the agreement between the two Councils for a final review of the arrangements following the County Council elections of 2021.

Recommendation

That, having considered the matters set out in the report, the Committee agrees that the review of the arrangements has been satisfactorily completed.

Proposal

1. Background and Context

- 1.1 In December 2019 the County Council approved the appointment of the Chief Executive of East Sussex County Council to be also Chief Executive of West Sussex County Council as part of a broader plan for cooperation on work on corporate improvement in response to the Department for Education's Children's Commissioner's Report and its recommendations for a review of corporate leadership, governance and culture.
- 1.2 The arrangement for the sharing of the chief executive started on 6 January 2020 and was first reviewed by the Committee at its meeting in July 2020. There is also provision for both Councils to review the arrangement following the County Council elections in May 2021 – the purpose of the current report. No further formal review is proposed. Either Council will be able at any point to terminate the arrangement by providing notice of six months.
- 1.3 The arrangement was adopted to meet the County Council's need to secure stable and effective executive leadership within a reasonable time scale and to show that the County Council was acting quickly and

responsibly to address identified challenges and to meet the expectations of those government departments and external agencies engaged with the Council on its improvement journey.

- 1.4 The broader arrangement with East Sussex County Council to provide support and capacity to improve is supported through an agreement between the two Councils using s.113 Local Government Act 1972. This allows councils to enter into an agreement for placing officers at each other's disposal. The officers made available remain employed by the providing council but must act in the interests of the receiving council.
- 1.5 The agreement sets out the aims of the proposal in tackling the County Council's corporate challenges to become more effective and efficient and describes how mutual support and assistance will be available for shared improvement activity. These arrangements have been deployed in a number of ways during the year and a half that the arrangements have been in place.
- 1.6 The arrangement was also proposed to make best use of areas of common challenge and shared areas of responsibility and partnership working which already existed between the two Sussex County Councils and the benefits of closer working in such areas as NHS joint working, transport planning, economic development, climate change and response to government initiatives.

2. Proposal – review of the arrangement

- 2.1 The agreement between the Councils makes provision for a final review of the arrangements following the County Council elections. The Committee is asked to consider whether the arrangement remains valuable and that it continues to meet the needs of the County Council.
- 2.2 The Committee may be assisted by consideration of the effectiveness of the arrangement by reference to the original aims and objectives:
 - To achieve early and real stability in the Council's executive leadership
 - To provide the means of direct mutual support for areas of corporate challenge
 - To enable the Council to address broader governance challenges promptly and effectively
 - To provide assurance to Government and external agencies that the Council has the capability and capacity to improve
- 2.3 It is for members to consider whether that stability has been achieved and maintained. The joint appointment of chief executive has certainly been received positively by the executive leadership in both Councils. There has been valuable and continuing use of advice, support and the sharing of best practice in many areas of the Council's strategic service operations and support services. These have made use of the areas of common challenge referred to in 1.6 above.
- 2.4 The senior leadership team has also been reinforced by an efficient and smooth arrangement for the recruitment of a permanent Director of Adults

Social Services in the Autumn of 2020 – an appointment from East Sussex County Council with that Council making internal management adjustments to enable the appointment to be made quickly and sustained successfully. The final steps in the creation of a coherent and permanent leadership team are now underway with the recruitment to a Director of HR and Organisational Change and an Assistant Chief Executive with the deletion of the post of Executive Director Resources which was never recruited to.

2.5 The good governance review was commenced promptly in January 2020 and has led to a number of valuable work streams to bring real improvements to all areas of the Council's governance, culture and strategic working. These include but are not limited to

- A People Framework
- The Partnerships workstream
- The streamlined decision-making workstream

Coordinated public health emergency response

2.6 The on-going public health emergency has also reinforced the value of such close working in partnership across Sussex, particularly with the NHS and emergency response agencies but also across the wider South East region. The Committee has a separate report on the work of the good governance review.

2.7 East and West Sussex County Councils have been collaborating on their response to the COVID-19 emergency which has provided a real test both of the value and the effectiveness of the joint arrangement and the benefits of closer joint working. Part of the learning from current events will further enable members to evaluate the overall benefits of the arrangement when the opportunity arises for members to take stock of the impact and of the Council's response to the emergency and the joint working which has been a feature of the activity.

2.8 A practical example of how the partnership is delivering for both councils, is our collective approach to establishing the local tracing partnership. Designed jointly between West and East Sussex County Councils and the districts and boroughs, the County Council has managed the local tracing process with dedicated community hub staff undertaking the contacts for both West and East Sussex.

2.9 The Councils have also collaborated with Brighton and Hove City Council on proposals for asymptomatic COVID-19 community testing – with a single pan-Sussex approach – so residents can access testing across local authority borders.

Partner engagement and lobbying

2.10 The authorities are also exploring a shared approach to the skills agenda – to support the economic and social recovery of Sussex – and collaboration on promoting Sussex as a destination for tourism.

- 2.11 Where it makes sense, East and West Sussex County Council have worked together on making the case for local government to Ministers and senior officials, on a range of issues – such as the impact of COVID-19 and the recovery; the need for sustainable, long term funding for local government and the pressure that continues to build in the adult social care system.
- 2.12 East and West Sussex’s collaboration also allows a consistent conversation with local partners – such as the NHS – and, for example, has enabled a joined-up approach to pressures on discharge of patients from hospital – and other areas in our collective response to COVID-19.

Oversight

- 2.13 Given the evidence of the County Council’s capacity to drive the organisation’s own improvement, the Secretary of State for Housing, Communities and Local Government took the welcome decision to step back from any further, formal supervision, recognising that improvement activity in a range of areas provided evidence of the Council’s capacity and capability to change.

Collaboration

- 2.14 There are a range of areas where further collaboration is being explored, to improve services and efficiency for how the Council delivers services for residents, communities and businesses. While each authority will remain a sovereign body – the two Councils will explore the possibility of further collaboration on issues of shared interest, or where working collaboratively may bring benefits. Examples include our approach as a large purchaser in the care market; NHS work on integrated care systems; major contracts – where there may be opportunities from economies of scale; climate change and equality and diversity.
- 2.15 In relation to the significant areas for improvement identified prior to the commencement of the joint arrangement in the 18 months since the formal Improvement Partnership was established, the County Council has made significant strides to improve service provision:

Children’s improvement

Due to the progress being made in improving children’s services (as highlighted by the recent Ofsted focused visit), the Department of Education took the unprecedented step of suspending the Direction of a move to a Children’s Trust to allow West Sussex County Council and improvement partners to focus on further improvement – with the aim of the council retaining control of the service.

This decision was made on the recommendation of West Sussex’s Children’s Commissioner – and reflects the improvement delivered both in the service and corporately. In the Minister’s letter the success of the partnership between East Sussex County Council and West Sussex County Council was given as a reason why improvement has been made and implementation of the trust should be suspended.

Fire & Rescue Service (FRS) improvement

The Independent Advisory Panel set up to support and challenge FRS improvement took the decision earlier this year to disband itself, as it no longer saw a role in the Council's improvement. The panel had taken the view that the Fire & Rescue Service had taken significant steps to improve, is moving in the right direction and is in capable hands.

- 2.16 The other significant area of corporate achievement has been the development and completion of the West Sussex Plan and the corporate performance management arrangements that will monitor its delivery and the comprehensive directorate business plans that have been created and are now being implemented to manage that delivery. This is testament to the sound collective working of the Council's leadership team under the guidance of the Chief Executive. The plan was built with significant input from Members, staff and partners, to ensure it reflects the needs of West Sussex and the Plan was approved, alongside the budget, by Full Council in February.

3. Resources

- 3.1 The arrangement for the joint appointment meant a saving on the previous costs associated with the post of chief executive. There were no recruitment costs. Salary costs are shared with East Sussex with an additional coaching resource, provided to assist the Chief Executive's management of the combined responsibilities, being met by the County Council. No additional costs arise from the operation of the mutual support agreement, all support and cross council working being undertaken without charging.

Factors taken into account

4. Consultation

- 4.1 The arrangement was considered by the Cabinet and by the appointing committee at the time of the appointment of the joint chief executive and was presented to full Council for approval. This report is the second such opportunity for this Committee to review the arrangements.

5. Risk Implications and Mitigations

Risk	Mitigating Action
Conflict of interest in relation to policy and strategic operations	The agreement contains conflict provisions
Failure to deliver the desired outcomes	The agreement provides for mutual and unilateral termination and review.
Shift of political priorities or aims	The agreement's provision for review after the Council elections in May 2021 is the subject of this report.

6. Other Options Considered

- 6.1 Other options were addressed in the report considered by full Council in December 2019.

7. Equality Duty

- 7.1 The report does not engage the public sector equality duty as it relates only to the internal governance of the Council.

8. Social Value, Crime and Disorder Act and Human Rights Implications

None.

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Appendices

None

Background Papers

None