

Governance Committee

23 November 2020

Good Governance Review and partnership arrangements with East Sussex County Council

Report by Director of Law and Assurance

Electoral division: Not applicable

Summary

This report provides an update of the Good Governance Review, a programme of work on areas of Council governance - how the Council does business. The Committee is invited to assess the output from this work in addition to changes to governance arrangements implemented in 2019 to address concerns about transparency and accountability. As requested by the Committee at its meeting in July 2020, the report also provides further information on the partnership arrangements with East Sussex County Council.

Recommendations

The Committee is asked to:

- (1) Assess the Good Governance project output and changes to the Council's governance arrangements agreed during 2019 and identify any areas for further review or improvement;
 - (2) Confirm that the aims and objectives of the partnership arrangement with East Sussex County Council are being met and that this will be reviewed again after the County Council elections in July 2021; and
 - (3) Identify any further updates to be provided on these matters.
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Proposal

1 Background and context

- 1.1 The Good Governance review was begun in January 2020 in response to concerns raised during 2019 about aspects of the Council's governance arrangements and culture following external reviews and inspections. Prior to the commencement of this review, some significant changes to the Council's corporate governance arrangements were approved by the County Council in October and December 2019 aimed at improving the Council's democratic systems to achieve greater transparency, clarity of role and accountability. However, the aim of the Good Governance review was to cover a wider range of governance arrangements, from how decisions are made and how strategic ambitions are identified and achieved to the values and practices underpinning

its corporate culture. Output from the Good Governance project was first reported to this Committee in July 2020 and a number of workstreams are in progress relevant to the functions of this Committee, as set out in paragraph 2.

1.2 In December 2019 the Council entered an arrangement with East Sussex County Council for the joint appointment of a chief executive and for the provision of mutual support to address a range of corporate challenges. Aims and objectives of the arrangement are:

- 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 the Government and external agencies that the Council has the capability and capacity to improve

1.3 In July 2020 the Governance Committee confirmed its support for the continuation of this arrangement and requested that a further update be provided as part of the Good Governance review report, to include evidence that the aims had been met and how time pressures were being monitored. This evidence will help inform the next review of these arrangements, due to be carried out after the County Council elections in 2021.

2 Proposal – Update on Good Governance and the East Sussex partnership

Good Governance

2.1 In October and December 2019 this Committee proposed a number of changes to corporate governance arrangements aimed at improving the Council's democratic systems to achieve greater transparency, clarity of role and focus on purpose. These changes were approved by County Council and included:

- (a) Monthly public Cabinet meetings, with opportunities for questions from scrutiny committee chairmen and minority group leaders.
- (b) Collective decisions by Cabinet on all major policy areas.
- (c) A reset of the Council's approach to its role as a Fire & Rescue authority, including a dedicated scrutiny committee.
- (d) A revised set of governance arrangements for the scrutiny function (after a review of scrutiny which included consideration of new national [Scrutiny Guidance](#) published in May 2019).

2.2 Changes to scrutiny arrangements agreed in December 2019 focused on improving its effectiveness and are being monitored by the Performance and Finance Scrutiny Committee, beginning with its annual review of scrutiny in July 2020. The new Fire & Rescue Service Scrutiny Committee is due to be reviewed after two years, in March 2022. The Good Governance project also identified areas of scrutiny work and an action plan embracing all aspects of scrutiny improvement work has been developed. These are included in the table at paragraph 2.4.

2.3 The table below sets out work undertaken, underway or planned for the Good Governance workstreams relevant to this Committee.

Area of work	Update
Ease and clarity of decision-making – by officers and members	<ul style="list-style-type: none"> • Training on being an effective member (roles, relationships and responsibilities) provided to members in July 2020 • Formal report templates revised and simplified (in place September 2020) with clearer guidance and meeting accessibility requirements • Training for staff on decision-making and report-writing developed by Democratic Services and offered through the Learning and Development Gateway • Streamlined decision making workstream started – focus on all aspects of 'getting formal business done', internal boards and rules for compliance in scope.
Greater accountability and trust through clear lines of delegation	<ul style="list-style-type: none"> • Review of the local member role being carried out by the Member Development Group (to be reported to the Governance Committee in January 2020) • Standard form of onward delegation for senior officers developed. • Standard guidance on operation of delegations completed and shared.
Simpler navigable systems for decisions, risk management and compliance assurance	<ul style="list-style-type: none"> • A new Code of Governance is being developed, setting out in one place the arrangements for formal member and officer governance. • All arrangements in scope to be simplified or removed if not beneficial
Effectiveness of scrutiny by timely and focused influence, adding value to outcomes	<ul style="list-style-type: none"> • Implementation of the outcomes of the 2019 scrutiny review, with a focus on: <ul style="list-style-type: none"> - Influencing policy early - Focus on outcomes for residents - Meaningful performance management - Evidence of scrutiny outcomes • New Fire & Rescue Scrutiny Committee • Training by Centre for Public Scrutiny • Focused work planning • Clear meeting outcomes and aims • Refreshed Scrutiny Newsletter • Strengthened liaison for scrutiny chairs/vice chairs and Cabinet • Cabinet Members as principal respondent to scrutiny • Flexible scrutiny ways of working • Responses to recommendations fed back • Performance monitoring reviewed for Reset Plan

Area of work	Update
Strengthen member induction and training	<ul style="list-style-type: none"> • Application for Charter for Member Development through South East Employers. Assessment November 2020. • Member Development Group planning the member induction programme. • Individual training records for members from May 2021. • Recent skills training provided to members on scrutiny and chairmanship.
Culture and behaviour	<ul style="list-style-type: none"> • Development of workforce framework • Development of policy on respect and dignity and work • Revision of Whistleblowing policy (Governance Committee July 2020) • Revision of Protocol on Member Officer relations (Standards Committee November 2020) • Output from new ways of working officer group

2.4 The Committee is invited to take stock of the changes set out at paragraph 2.1 as well as the work done and in progress to deliver the aims of the Good Governance Review in the table above. Members are asked to assess:

- (a) How far changes agreed in 2019 and the output of the Good Governance Review have met the aims of achieving greater transparency, clarity of role and focus on purpose;
- (b) What is working well and what may need further improvement or review;
- (c) Any specific gaps to be addressed; and
- (d) The arrangements for oversight of the aspects of Council governance set out at paragraph 2.1, which broadly sit with this Committee.

The Performance and Finance Scrutiny Committee has a responsibility to oversee the scrutiny function including the development of good practice and supporting arrangements, member training and development, and the consideration of any proposals for revisions to the scrutiny function.

Partnership arrangements with East Sussex County Council

2.5 There have continued to be ad hoc arrangements for informal mutual support between the two leadership teams. Much of the strategic level activity associated with the management of the response to the COVID-19 pandemic has also drawn on close working relations between the two management teams. It is difficult to quantify the benefits of this joint working but the leadership of the joint chief executive has greatly enhanced the ability of both Councils to manage the common challenges that have been faced.

2.6 In the area of leadership team stability the County Council has for some time experienced regular and disruptive changes to senior roles in Adults and Health. A review of the market indicated a significant challenge in recruiting permanently to the critical post of Executive Director Adults and Health. The

partnership with East Sussex County Council enabled the development of a proposal for a shared post for this role split 80/20 in favour of West Sussex, the role being back filled in East. The very experienced Director of Adults and Health at East Sussex was proposed for the role. The rationale for this plan was considered and approved by an Appointing Committee, chaired by the Chairman, and the Committee also approved the appointment of the nominee to the role. This should prove to be a long-term solution providing much needed stability and continuity to this area of the Council's business. It will be subject to review as part of the overall review of the partnership arrangement after the May 2021 County Council elections.

3 Other options considered (and reasons for not proposing)

3.1 Other options relating to the partnership with East Sussex County Council were addressed in the report considered by County Council in December 2019.

4 Consultation, engagement and advice

4.1 The Good Governance project has included a wide-ranging engagement with officers and members, including through an all-member session on 8 July 2020. Implementation of the project's proposals will involve ongoing engagement with officers and members.

4.2 The East-West Sussex arrangements were considered by the Cabinet and by the appointing committee at the time of the appointment of the joint Chief Executive and was presented to County Council for approval. The Governance Committee reviewed the arrangements in July 2020 and will do so again after the County Council elections in 2021. Senior members on the Appointing Committee were central to the recent joint appointment for Adults and Health.

5 Finance

5.1 There are no financial implications relating to the updates on the Good Governance project set out in this report. Areas of action identified to deliver improvements to decision-making, scrutiny and member training can be met from within existing resources. The partnership with East Sussex County Council meant a saving on the previous costs associated with the post of chief executive and there will be some savings from the recent joint appointment for Adults and Health with an end to interim appointments to the role. No additional costs arise from the operation of the mutual support agreement; all support and cross-council working is being undertaken without charging.

6 Risk implications and mitigations

Risk	Mitigating Action (in place or planned)
Governance arrangements: That the critical objectives identified in significant external inspections are not realised	Full member involvement in the Good Governance project, the prioritisation of actions and their implementation and that measurable outcomes are agreed
Joint leadership arrangements: Conflict of interest in relation to policy and strategic operations	The partnership agreement contains conflict resolution provisions

Risk	Mitigating Action (in place or planned)
Joint leadership arrangements: Failure to deliver the desired outcomes	The agreement provides for mutual and unilateral termination and review
Joint leadership arrangements: Shift of political priorities or aims	The agreement will be reviewed after the next Council elections in May 2021

7 Policy alignment and compliance

- 7.1 This report deals mainly with the Council's internal governance arrangements and as such there are no implications relating to climate change, public health, the equality duty, social value, human rights or the Crime and Disorder Act.

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Background papers

None