

DRAFT

Sector-led improvement

Introduction:

“Taking the Lead”, the sector’s approach to sector led improvement, was published in February 2011.

This paper is addressed to Leaders, Portfolio Holders, Chief Executives and Directors and provides an update on the overarching framework for sector led improvement that brings together the work of the Children’s Improvement Board (CIB) and the Towards Excellence in Council’s Adult Social Care Board with that of the LGA Improvement Board.

The paper demonstrates how the principles and key components in “Taking the Lead” have informed the approach to improvement in children’s services and adult social care. Where there is a difference of approach or emphasis this is identified and explained. It also explains how the LGA is responding to the sector’s request to find a light touch way of identifying councils who may be facing performance challenges, so that early preventative improvement support can be offered.

Background:

Five years ago things were very different.

Whilst resources were less constrained councils and their partners were subject to a much greater level of assessment and inspection. The feedback you gave us at the time was that this restricted your freedom to lead localities, that it was resource intensive and that inspection had outlived its usefulness.

Working with you we led a campaign to reduce the burden of inspection and assessment.

As a result, we have seen much of the old “performance framework” dismantled by government. The National Indicator Set; Local Area Agreements, Government Office monitoring; Comprehensive Area Assessment and the annual scored assessments of children’s and adults services are all now things of the past.

This scaling back of central monitoring provided the sector with an opportunity to do two things - to build a new approach to improvement based on what we have learnt about what works best and to step up and ensure we are providing some light touch self-assurance and support where required as early as possible.

This approach was set out in “Taking the Lead”.

“Taking the Lead” was developed over a lengthy period of discussion and engagement with the sector and finally published in February ’2011. The level of response to the final consultation was generally regarded as the highest ever for a piece of proactive LGA policy work and support for the approach and proposals was very high.

“Taking the Lead”: Principles, Practice and Support

Councils overwhelmingly endorsed a number of key principles underpinning the new approach to sector led improvement. They are as relevant now as they were then. They are that:

- Councils are responsible for their own performance and improvement and for leading the delivery of improved outcomes for local people in their area;
- Councils are accountable to local communities (not government or the inspectorates) and stronger accountability through increased transparency helps local people drive further improvement;
- Councils have a collective responsibility for the performance of the sector as a whole (evidenced by sharing best practice, offering member and officer peers, etc);
- The role of the LGA is to continue to lobby for further reductions in inspection, assessment and data reporting; to maintain an overview of the performance of the sector in order to identify potential performance challenges and opportunities – and to provide tools and support to help councils take advantage of this new approach.

Whilst “Taking the Lead” did not seek to prescribe what councils would do locally to implement the new approach it did identify a small core set of activities that experience demonstrates are commonly undertaken by councils taking responsibility for their own performance and improvement. This includes

- Strengthening local accountability;
- Making use of transparent and comparable performance information
- Challenge from one’s peers
- Investing in leadership
- Learning from good practice and through sector-led networks

“Taking the Lead” also responded to councils’ requests that we find a way to manage the reputational damage to the sector caused by performance failure. It committed the LGA to work with the sector to develop a light touch way of managing the risk. This paper describes the approach and how it works, including across children’s and adult services improvement.

These activities are set out below – along with some of the key elements of the LGA’s seven point support offer.

Local accountability

Councils already make extensive efforts to engage with their local residents since they recognise that providing greater opportunities to be held more locally accountable can only help the way the council works. The way councils will go about strengthening local accountability will vary from place to place.

To help councils we offered stronger on-line guidance; an updated locality self assessment tool and support from the Centre for Public Scrutiny to make more effective use of scrutiny as a key tool for challenging performance locally.

In adult social care it is a key part of the approach that councils undertake and publish a regular self assessment (called “local account”) setting out progress against their priorities for quality and outcomes in adult social care. Local accounts are seen as a key mechanism for demonstrating accountability for performance and outcomes to citizens.

Whilst producing a local account is a matter for local discretion most councils have already produced or plan to produce one and the Towards Excellence Board is planning to evaluate the exercise and draw out the lessons.

Similarly, self assessment forms an important basis for understanding and managing performance in children’s services and councils are now being asked to open up this self assessment to external challenge by their peers in other councils.

Transparent and comparable performance information

Being able to compare performance with other councils and areas is an important driver for improvement, but this has been made more difficult as a result of the abolition of the National Indicator set and the Government’s associated Data Hub.

To help councils we have created LG Inform, a data service by and for local government. It is a new service providing, at no cost, a single point of access to a wide range of contextual, financial and performance data; giving the ability to share and compare performance information between councils and to manipulate the data and create a range of score cards and reports.

CIB is working to develop a common data set for children’s services. Whilst it does not claim to be comprehensive or to be the only source of information or intelligence about performance it will provide a common set of key data that councils can use as a way of understanding their own performance, in comparison to statistical neighbours, and can form one of the starting points for peer challenge. A standard “data profile” – which will be populated for each council - is being developed and tested with the sector and will be part of LG Inform.

For adults, the programme will draw on national data sets and market intelligence to offer comparative data on key outcome areas and productivity through LG Inform.

Finally, in autumn 2012, LG Inform will become open to the public. This will allow councils to write performance reports in LG Inform that they can publish on their website, or simply direct their residents to data for their authority in LG Inform. Authorities may choose to do this as part of their work to be locally accountable and transparent, and the intention is that LG Inform will make this easy without requiring much council resource.'

Challenge from one's peers and offer of peer support

We know that challenge from one's peers is a proven tool for improvement. Those councils that had a peer challenge during the CPA/CAA era improved their ratings to a greater extent than those that did not.

To help councils we have offered, at no cost, a "corporate" peer challenge to every council over the three years from Summer 2011. The challenge is primarily an improvement tool and is being tailored to allow councils to use it to focus on their local priorities. However, all corporate peer challenges include a core component that looks at issues of leadership, corporate capacity and financial resilience whose absence we know from experience is linked to organisational failure.

There are two additional offers in the approach to children's improvement:

- an opportunity for a council's self assessment or improvement plan of their children services to be challenged by their peers in other councils. A number of different models of children's services peer challenge are being developed and taken forward by councils working together in regions.
- An opportunity for all councils to have, at no cost, a children's safeguarding peer review once every three years (subject to confirmation of DfE funding for 2013/14). This offer builds on the LGA's corporate peer challenge methodology – but there are some differences. Whilst the exact focus for the review will still be discussed with the individual local authority there is less flexibility about the focus and approach because safeguarding is such a high risk area for the sector.

N.B. In the context of a paper that seeks to join together three strands of corporate, children's and adult, sector led improvement and present a single narrative to the sector it is appropriate to raise the issue of language. The differential use of the term "peer challenge" and "peer review" has proved problematic in discussions with councils. It is suggested that in future we refer consistently to "peer challenge" – as a consequence the "safeguarding peer review" might in future be referred to as a "safeguarding peer challenge".

The Adult's programme provides a subsidised peer challenge for each of the seven councils currently rated "adequate" under the previous CQC assessment regime as a way of assessing and formally recognising councils' improvement in the absence of any further CQC assessments. It is planned, in addition, to devolve resources to regions to support delivery of a programme of regional peer challenge and review.

Investing in Leadership

It goes without saying that effective political and managerial leadership is key to sustained improvement.

The LGA is committed to continuing to provide development support for political and managerial leaders and we are making one subsidised place for every council for each of the next three years on one of our main programmes.

The CIB is working with the LGA to increase the number of member peers with an understanding of children's services who are available to provide support to councils in particular difficulty. The LGA also supports and makes regular input to regional meetings of lead members for children. An induction event for new lead members is being held in July and consideration is being given to providing free leadership academy places for lead members during the year. The CIB has oversight of the leadership programmes provided for directors of children's services through the Virtual Staff College and is working to ensure a close fit between this leadership work and other aspects of children's improvement.

In adults the leadership programmes will be reviewed with the focus on collaborative leaders as the priority for 12/13, linking to the LGA's health leadership programmes.

Learning from good practice and the role of regional structures and networks

Learning from others in the sector is a key part of a sector led approach – but it is often difficult to find the time or the right information. To help councils we have created Knowledge Hub, a free web-based service providing a single window to improvement in local government. We are also working with and supporting sub national groupings of councils and member/officer networks as a basis for implementing the new approach and sharing good practice.

We are in discussion with a number of sector owned regional improvement organisations about aligning our national and regional support offers so that we can present our joint support to the sector as a seamless whole.

Working collaboratively with regions is also an integral part of the approach in both children's and adults.

The CIB has devolved funding to each of the nine regions to support improvement work in children's services. Within a broad agreement between each region and CIB, each region is being asked to prioritise peer challenge between councils and providing early support to councils who are in difficulty or may be at risk of poor performance. Each region has been asked to nominate three "regional leads" to champion this improvement activity: a lead member for children, a chief executive and a director of children's services.

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For adults, the approach to improvement is being developed with and through the ADASS regional branches. Key deliverables for regions in 2012/13 include: supporting the delivery of regional peer challenge and review; review and development of local accounts; delivery of improvement support.

Just as the sector's approach to self improvement needs to be coordinated nationally so it also needs to be coordinated at a sub national level. Our expectation is that as new devolved arrangements develop they will build on existing sector owned and politically led improvement architecture already in place at a regional level and that the CIB regional leads and ADASS regions will work together with the LGA's Principal Advisers to ensure a coordinated approach to sector led improvement and support at regional level.

Managing the risk of underperformance

In our discussions with councils during the development of *Taking the Lead* councils recognised that "service" or "corporate" failure not only has a detrimental impact on local people and localities but also damages the reputation of the sector as a whole.

Councils told us that they wanted the sector to find a way of managing the risk – but that they did not want the LGA to become some form of inspectorate and neither do we!

Instead what we want to do is to work with the sector to find an appropriate way of understanding where councils are facing performance challenges so that we can offer improvement support – and as a result help prevent specific incidences of service failure and in extreme case Government intervention.

So, when thinking about any new arrangements we have taken advice from the independent Advisory Board (involving AC; NAO; SOLACE; ADCS; ADASS;) chaired by Steve Freer, CEX CIPFA. And we have also learnt from past experiences of failure – including a review of councils subject to Corporate Governance Inspections.

The Advisory Board's conclusion was that generally speaking, the causes of failure arise from

- The quality of political and managerial leadership and a lack of trust and confidence in relationships between leading members and senior staff
- adoption of high risk change strategies
- disengagement from the wider community of local government
- significant financial difficulties and/or inability to gain agreement for an appropriate financial strategy

(and these factors are addressed in the core component of the corporate peer challenge).

This suggests two things:

- that in terms of strengthening arrangements to detect and prevent potential failure – so that we are in a position to offer support - we should mainly focus on a relatively small number of high level factors and

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- secondly that the nature of the intelligence required to understand whether there are problems in these areas is likely to be a combination of soft intelligence deriving from informal sources supported by statistical and trend analysis from data returns, etc.

We have structured our approach accordingly:

- we have positioned our team of Principal and Senior Advisers supported by our Lead and regional member peers as the focal point for gathering intelligence about performance in “their” areas and identifying councils facing risks of the sort outlined above.
- We support Principal Advisers by gathering intelligence from others and feedback from our wider engagement with councils e.g the results of a Peer Challenge. As part of this approach the LGA is meeting with Government departments and remaining inspectorates to receive information about performance from their perspective and to provide reassurance about the effectiveness of sector led support.
- We support Principal Advisers with analysis of hard published performance data via LG Inform.

Importantly, Principal Advisers do not work in isolation.

First: As part of the sector-led improvement programmes in both children’s and adults social services specific arrangements are being put in place to provide effective targeted early support to councils facing performance challenges.

In the case of Children’s improvement it is expected that the early support will be delivered through the regional arrangements described above. But Principal Advisers will have the lead role in ensuring a “single conversation” with councils about performance issues. They will work closely with CIB regional leads to ensure support is aligned with the wide improvement offer regionally and/or nationally.

Similar arrangements are being developed in Adults.

Second: In many regions the Regional Improvement and Efficiency Partnerships or their successor bodies/regional LGAs are supporting sector led improvement. Principal Advisers are working closely with partnerships to share information and provide support in a collaborative way. These relationships will be particularly crucial in terms of gathering intelligence and responding where appropriate but will, in each case, be influenced by the extent to which regional bodies are playing active roles in understanding performance risks in their area .

We accept that this is difficult and we understand the need to build confidence in the arrangements and therefore the need to be clear about our proposals – which is why we are setting out our approach at this stage.

It is also important to overcome the legacy of distrust created as a result of the previous regime of reporting by field forces to central government that there is clarity about our approach to information sharing. At times it will be necessary to share concerns about

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the performance challenges individual councils may be having across different parts of the sector's improvement arrangements. The purpose of sharing information will – in all cases - be to enable timely, appropriate and effective support to be offered. And in each case we will strive to adhere to the following general principles

- The individual council will be aware information is being shared
- Any concerns should be specific and evidence-based
- Information is treated in confidence.

What would this look in practice like from a council's perspective?

Where the information and intelligence gathered appears to indicate a potential concern the Principal Adviser will talk directly with the authority involved.

How he/she approaches the council and the level of contact will depend on the circumstances and relationships in each case but would normally be at Chief Executive level.

In doing so the Principal Adviser will liaise as appropriate, with the relevant LGA lead/regional member peer; regional leads in children's or adult social services and other regional improvement players such as any ongoing Regional Improvement and Efficiency partnerships or the Regional LGA.

These discussions may lead to a number of potential conclusions, for example:

- There is a satisfactory explanation. In this situation no further immediate action would be required other than to consider if anything needs to be done to correct the *appearance* of a potential concern.
- The council agrees that it faces a performance challenge – but it is aware of it and has appropriate steps in place to deal with the issue. In this situation the Principal Adviser would make arrangements to keep the issue “under review”.
- The council agrees that it has a potential performance challenge – and a conversation between the Principal Advisor and the Chief Executive helps to identify some solutions to high level causal factors before they impact on performance. This could be by putting them in contact with good practice at another council or facilitating a one off top team session or putting in some mentoring.
- The council agrees that it faces a performance challenge and that a bigger degree of support is needed. In this situation the Principal Adviser would work with the council (and as appropriate with regional leads in children's or adult social services and/or any sub national sector owned improvement organisations) to develop and deliver an appropriate package of support. The appropriate LGA political group office may need to be involved and the situation (including the nature of the performance challenge and appropriate support being provided) would be reported to the LGA's Performance Support Panel (PSP) which provides political oversight of our improvement work with councils

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facing performance challenges. PSP's role is to challenge officers about the effectiveness of the support being offered.

- The council does not accept that it faces a performance challenge. This situation will require very careful handling and further discussions will be necessary in order to understand why there is a difference of view and whether it justifiable (for example performance standards have fallen comparative to past performance or other similar types of authority because local politicians have decided it is no longer a priority and/or there is no local demand for a better service). Alternatively in very rare cases it may be that members or officers simply refuse to accept the problem. Principal Advisers may need to work with the appropriate LGA political group office, member peers and senior officers in order to determine the most effective way of pursuing discussions with the council concerned.

As referred to above, as part of this approach the LGA is meeting with Government departments and remaining inspectorates to receive information about performance from their perspective and to provide reassurance about the effectiveness of sector led support. However there may be circumstances where we are unable to persuade departments or inspectorates about the prospects for improvement (for example they may believe the council is in denial; or our sustained support has not been effective; or there is imminent danger of serious failure). At the end of the day central government retains the right to intervene – in particular Ofsted and the Care Quality Commission both retain powers to inspect and in each case Ministers have formal powers to intervene.

Although incidences of intervention are already relatively small in number our ambition is that they should never again be necessary.

This is difficult territory for us all – but we think the approach we have outlined above is the right one.

- It responds to councils' demand that we manage risk on behalf of the sector – but it places no added burden on councils themselves
- It is based on what we know about the key causes of "failure"
- It acknowledges and involves other sector owned improvement architecture
- It balances the sector's desire that the LGA does not become an inspectorate with the advice from the Advisory Board and with Government's expectation that the sector will put arrangements in place
- Finally the approach is politically owned and led by senior LGA politicians.

We hope that eventually we can get to a situation where these arrangements are unnecessary because councils are willing voluntarily to signal their need of support.

But at the moment we are still in the process of transition. Over time we have to rid ourselves of the spirit of competition bred by the old inspection regimes and associated league tables. Instead we need to build a new spirit of openness and cooperation within the sector that acknowledges that there may be areas where we do need to improve; that sometimes we don't always know best; that we can often learn from each other.

Making it work

We are in the process of moving from the old top down approach to assessment and inspection to a sector led approach to improvement. We have been successful in mainstreaming the general approach in key service areas – adult social care and children’s services. This has made the process of change more important – and more challenging. Achieving successful transition to the new approach demands the involvement of us all.

Locally:

- We ask that councils engage positively and proactively with this work, considering how and when they would best benefit from our improvement support offer
- We ask, in particular, that leaders and chief executives take a strong interest in this work raising the profile and widening the ownership of it within their organisations and also considering whether they can contribute personally by offering themselves as member/officer peers

Regionally:

- We will develop an effective coordinated approach across corporate, children’s and adults improvement. We ask that regional improvement organisations, CIB regional leads and ADASS regional branches work together and with Principal Advisers to coordinate activity
- our Principal Advisers will act as the key point of contact for councils across these streams of improvement support
- We will work collaboratively with regional sector owned improvement organisations and we ask that such organisations engage positively with our Principal Advisers to work through the implications and opportunities

Nationally: We will ensure (as far as it is possible within the context of the partnership approach in adults and children’s services) that

- the process is led politically
- there is a consistency in the offer across corporate, adult and children’s improvement and
- this work is communicated to the sector in a consistent and mutually reinforcing way.

Further information (*to be completed*)

Taking the Lead

For further information about the seven point support offer go to <http://www.local.gov.uk/taking-the-lead>

Taking the Lead – generally

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Adults

For further information about sector led improvement and the work of the Towards Excellence Board
http://www.local.gov.uk/web/guest/topic-health-adult-social-care-and-ageing/-/journal_content/56/10161/3469929/ARTICLE-TEMPLATE

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Children's

For further information about sector led improvement and the work of the Children's Improvement Board
http://www.local.gov.uk/web/guest/improvement-and-support/-/journal_content/56/10161/3143339/ARTICLE-TEMPLATE

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Contact details to be added
8/03/12