

Reshaping the Partnership Landscape

Briefing Note 4 - December 2010



Governance and accountability of local partnerships – the impact of Coalition plans

Introduction

The context for partnership working (and indeed the landscape around it) is rapidly changing. Alongside substantial cuts in public spending, councils and their partners are responding to the emerging Localism and Devolution agenda, the 'Big Society', significant Health and Policing reforms, a changing regional and sub-regional landscape (including the replacement of Regional Development Agencies with Local Enterprise Partnerships), and the introduction of Community (Place-Based) Budgets (initially across 16 local areas) as announced in the Spending Review.

Given the significant changes in public policy, Local Government Improvement and Development (LGID) has seen a gradual increase in the number of enquiries about what the future holds in store for partnerships (and requests for information about what other Councils and their partners are doing). In response, LGID is developing a partnership 'resource' with the sector that places can use to inform/challenge their own thinking.

Partnerships resource

The resource comprises of a series of linked briefing notes/slide sets on topics ranging from how councils and their partners are responding to the new context, to a more in-depth look at some of the key issues.

Timescales for dissemination

The briefing notes/slide sets will be disseminated in 'bite-size' chunks between now and the end of March 2011.

Methods of dissemination

All of the briefing notes/slide sets will be disseminated via existing networks and will also be published on **LGID Knowledge**:

<http://www.idea.gov.uk/idk/core/page.do?pagelId=23884523> and on the

Partnerships 'Community of Practice':

<http://www.communities.idea.gov.uk/comm/landing-home.do?id=1355922>

Other briefing notes in the series available now

Briefing Note 1 - How are councils and their partners responding to the changing context?

Briefing Note 2 - Coalition plans for health and wellbeing

Briefing Note 3 - Coalition Plans for policing and community safety

Governance and accountability

This note looks at issues of governance and accountability affecting local partnership working. It summarises the main changes over the past decade, and identifies implications of current Government proposals including the recently published Localism Bill.¹

Background

Existing locality-based governance arrangements in England are made up of a mix of four main elements:

- Local councils, accountable to their electorates (within a statutory framework set by Parliament)
- The local arm of government departments (NHS bodies, JobCentre Plus, NDPBs, quangos) accountable to Ministers
- Police forces, currently accountable under a 'tripartite' system to the Home Secretary, Police Authorities, and professional bodies.
- Partnership bodies of varying forms (some statutory, others not) with varying and often ambiguous accountabilities.

A fifth element which has impacted significantly on local partnership working in recent years (regional offices of government) is currently being abolished.

It is a well-recognised feature of the UK that the pattern of governance at local level is complex, and a movable feast. Unlike countries with more fixed constitutional arrangements, the landscape changes frequently, with roles and responsibilities moving to and fro. The arrival of a new government committed to radical decentralisation, and to reining back public expenditure, has brought a number of substantive changes.

Local government in England

In recent years, there has been focus on public service 'delivery' as opposed to the governing role of local councils. We have seen moves to join-up public services through Local Area Agreements (LAAs) and Total Place. But prior to the change of government in May 2010, the context was one of councils and partners working largely as agencies of the centre, directed and performance managed from the top down.

'The endless flow of departmental prescription and guidance suggests that central government has not seen local authorities as governing local areas in interaction with their citizens, but as agents for central government'

George Jones and John Stewart,
written evidence to CLG Select Committee Inquiry on Localism, October 2010

¹ The Localism Bill can be downloaded at: <http://services.parliament.uk/bills/2010-11/localism/documents.html> and the LG Group on the day briefing can be downloaded at: <http://www.lga.gov.uk/lga/core/page.do?pageld=15580617>.

Since the Election, much of the infrastructure of central targets and inspection has been swept away. The Coalition Government has stated its commitment to 'radical devolution of power'. But local government will not be the sole recipient of devolved responsibilities, and may not prove to be at the heart of the process.

Decentralisation of power and resources is taking several forms:

- to local authorities in some cases (such as public health responsibilities)
- to new bodies, such as GP commissioning consortia
- to the wider 'community', in the form of mutuals and social enterprises, neighbourhood bodies, and to individuals, through Big Society measures

This form of devolution is therefore departing from more orthodox principles of subsidiarity as applied in EU countries², in which national state power is passed down through successive layers of democratically elected federal and local government. It is a more dispersed form of decentralisation, placing much faith in the 'active and responsible citizen' and in non-state organisations.

Hence a new set of governance and accountability issues are surfacing, and are impacting on the landscape of local partnership working.

The major devolutionary reforms of the previous government centred on the establishment of the devolved regions, Scotland and Wales. The Scottish Parliament and Welsh Assembly are now largely free to develop their own arrangements for sub-regional and local government. This has led to a variety of different models, which now contrast quite sharply with arrangements in England.³

This note looks only at what has been happening in England, and what is now proposed by way of more decentralised arrangements.

Local Strategic Partnerships – a limited role in local governance

For many cities and localities, multi-agency local partnerships were in place long before the government issued guidance on 'local strategic partnerships' following the Local Government Act 2000. The primary focus of LSPs has shifted several times since then, mainly in response to different government initiatives.

Interestingly, the previous government undertook a major review of LSPs in 2005/6. The argument that these partnerships needed 'more teeth' had been made by the Innovation Forum of 'excellent' councils. The possibility of making LSPs a statutory body was debated at that time, but not pursued by the Department for Communities and Local Government (CLG). There was concern that such a change might worsen tensions between local councils and LSPs as to which was the primary governance body in the area, and hence damage co-operative working.

² And as encouraged by the European Charter of Local Self-Government, ratified (but in practice never fully implemented) by the UK in 1998. The text is at:

<http://conventions.coe.int/treaty/en/treaties/html/122.htm>

³ Statutory Community Planning partnerships in Scotland, and in Wales the introduction of Local Service Boards and Local Delivery Agreements, following the Beecham review.

The 2008 CLG Guidance⁴ instead re-affirmed the link between first tier councils as 'responsible authorities' for bringing partners together on LAAs, with the Local Government Association (LGA) advocating 'embedding political leadership' across the LSP family as a means of improving democratic accountability.

Following the 2006 White Paper⁵, many areas sought to refocus their LSPs through creating more slimline and purposeful models such as 'public service boards' or 'partnership executives'. LAAs helped to provide a form of 'teeth' for LSPs, with statutory underpinnings and a duty of co-operation. But LAAs had by then become dominated by the bureaucracy of a centrally driven National Performance Framework. The Total Place pilots moved forward the agenda on place-based budgets, but only limited attention was focused on the governance arrangements involved.

With a new government and new policies towards localism and the Big Society, LSPs are again having to rethink their role, and whether they have a continuing part to play. These questions are explored in the last part of this note.

Thematic partnerships and the 'partnership family'

The LAA framework played an important part in consolidating the thinking around LSPs and so-called 'thematic partnerships'. Up until 2005, a tendency by each part of Whitehall to create and foster its own form of local partnership body had been creating an increasingly complex and fragmented patchwork at the local level.

Each type of partnership had a different set of roles, and often a different status. They operated at different spatial levels in two tier areas. Created through separate pieces of legislation, and tasked through 'vertical' lines of control and supervision from Whitehall, they did not originally see themselves as part of a collaborative 'partnership family'.

LAAs achieved something (even if not enough) in bringing some coherence and rationality to local partnership working. The concept of the LSP as the 'partnership of partnerships', bringing together the work of thematic partnerships in the area, became widely accepted.

Table 1 at the back of this note summarises the position on the current 'local partnership family', and the future direction of Government plans.

Significantly, many local politicians recognised in recent years that leadership of local partnership activity was becoming a critical part of their 'day job' and not something to be left to chief executives or managers. An active role for council leaders and mayors in chairing LSPs, and for cabinet portfolio holders in leading thematic partnerships, became more widespread.⁶

⁴ CLG's *Strong, Safe and Prosperous Communities* guidance at: <http://www.communities.gov.uk/publications/localgovernment/strongsafeprosperous?view=Standard>

⁵ Strong and Prosperous Communities, the 2006 White Paper on local government.

⁶ See regional table of LSPs and/or their executives chaired by leaders/mayors on LGID Knowledge at: <http://www.idea.gov.uk/idk/core/page.do?pagelId=15219398>

What next - impact of Coalition Government proposals

The Government believes that it is time for a fundamental shift of power from Westminster to people. We will promote decentralisation and democratic engagement, and we will end the era of top-down government by giving new powers to local councils, communities, neighbourhoods and individuals.

Coalition Programme, May 2010

As mentioned above, the Coalition programme of decentralisation is not primarily about the passing down of responsibilities from central government to local. It involves a parallel, and more substantial, process of passing power to 'communities, neighbourhoods and citizens'.

Government is making clear that local authorities should not be seen as the default provider of public services. Many parts of Whitehall see them as part of the problem and not the solution.

At the same time, central government continues to encourage closer integration of services in some specific areas (such as primary care, social care, and public health).

Government's recently published Business Plans set out what each part of Whitehall intends to do, in terms of decentralisation, localism and the Big Society. Relevant measures are listed in Table 2.

Government intentions remain unclear in some respects. There is no overarching narrative to accompany these business plans, to explain relative priorities or how potentially conflicting initiatives will fit together.

The Localism Bill will form one of the main platforms for the Government's programme on devolving power. CLG has published a summary of the Bill⁷ and also an 'essential guide'.⁸ The latter rehearses the broad thinking behind the Government's thinking on decentralisation, defining a shift '*from Big State to Big Society*'. It sets out six forms of action on decentralisation which all Government Departments are asked to follow.

Overall, the emphasis is towards Big Society measures, and silo-based shedding of central government responsibilities. There are only a few measures that will contribute to 'integrated localism' or unified public service delivery, of the kind that LSPs have been working towards.

⁷ Localism Bill – Media Background Note at:

<http://www.communities.gov.uk/news/localgovernment/1794971>

⁸ Localism Bill: an essential guide. Communities and Local Government website at:

<http://www.communities.gov.uk/publications/localgovernment/decentralisationguide>

The Government's proposals and their potential impact on partnership governance arrangements

The Government's proposals are taking legislative shape through three Bills

- The Policing and Social Responsibility Bill
- The Localism Bill
- A major Health and Social Care Bill, due to be published shortly

Within each of these Bills there are proposals which will impact on local partnership working.⁹ Some proposals are supportive of integration and collaborative working at the local level. Others will be more challenging in that they change accountabilities or shift responsibilities to different, and less coterminous, spatial levels.

They include the following:

- **GP commissioning consortia** enter the scene as a new player, responsible for £80bn of NHS expenditure, and with limited involvement to date of local partnership working. Spatial convergence or any coterminosity of consortia, with LSPs or the new Health and Wellbeing Boards, cannot be guaranteed. Consortia will have no electoral accountability, although scrutiny arrangements for health services are due to be enhanced through the new Bill.
- **Health and Wellbeing Boards** will be established within all first tier local authority areas.¹⁰ They will have statutory status, with duties and powers, conferred from April 2013. Their primary role will be a joint duty (with GP commissioning consortia) to prepare and implement the JSNA for the area, and (in future) a Joint Health and Wellbeing Strategy (JHWS). They will normally meet in public. Areas are being encouraged to build on existing health and local authority partnerships, established as part of the LSP 'family'.
- **Childrens Trusts** will be relieved of statutory requirements. The Department of Education is however giving out the message that Trusts should carry on as they are for now, including the preparation of Children and Young Persons Plans (CYPP). It is expected that where areas have found childrens trust arrangements useful and constructive in pushing forward the strategic development of children's services they may well continue with this arrangement. However, in the absence of the LAA framework, coupled with no formal requirement to prepare a CYPP, hard-pressed partner agencies may question the level of input they make to the work of Trusts. Oversight of joint commissioning with the NHS for childrens care, public health, and health improvement, is due to become a responsibility of Health & Wellbeing Boards.

⁹ It is worth noting that the Government is also due to publish a White Paper on **Public Service Reform** in January, see: http://www.hm-treasury.gov.uk/press_62_10.htm

¹⁰ Liberating the NHS, next steps and legislative framework, DH website at: http://www.dh.gov.uk/prod_consum_dh/groups/dh_digitalassets/@dh/@en/@ps/documents/digitalasset/dh_122664.pdf

- **Police and Crime Commissioners** will replace Police Authorities, in 41 of the English and Welsh forces, from May 2012.¹¹ They will be directly elected and hence with a separate mandate from the local authorities in the area. Commissioners will be expected to play an active role in local partnership working, but in practice this will be constrained by their extensive responsibilities and the number of LSPs and CSPs in any force area.
- **Police and Crime Panels**, also at force level, will be a further new addition. They will include a minimum of 10 elected members from local authorities in the area, along with a minimum of 2 co-opted members.
- In terms of **enterprise and economic development, the first wave of Local Enterprise Partnerships** will cover some parts of the country and not others. Their membership will be a 50/50 split of business and local authority members. It is intended that these Partnerships be business-led.

These changes mean that some elements of the system of governance at local level will become more directly accountable (police and crime commissioners), but with elections handled separately from local councils. Others (GP commissioning consortia) may prove even less accountable (at local level) than their predecessor PCTs. PCT Boards involved a range of local appointees, often including local councillors, amongst their non-executive members. It remains to be seen what level of influence Health and Wellbeing Boards will achieve on GP commissioning, through their joint responsibilities for JSNAs and JHWS.

The range and variety of different spatial levels and geographic boundaries within the partnership landscape will increase rather than decrease as a result of these changes, with practical consequences for joint working. The extent to which local partnerships can cope with such ‘variable geometry’ will be one of the big tests in coming years.

Where does this leave local partnership working?

The diagram at the back of this note attempts to map, at different spatial levels, the main changes. This looks at where accountability will lie, and who will ‘hold the strings’ of decision-making and resource allocation.

The future landscape of local governance, including councils, other decision-makers, and key partnership bodies, looks potentially more complex rather than less when compared with present arrangements. This is despite Government’s efforts to simplify and rationalise.

In terms of accountability for how decisions are made, the citizen remains faced with a confusing picture. In a growing number of fields, decision-making is shared and it is not clear who has the final say. Nor is it clear whether democratically elected decision-makers will have any form of primacy.

¹¹ Of the remaining 2 forces, the Mayor of London will take over from the MPA in London and the City of London’s structures for their force will remain in place.

For example:

- on crime and policing matters, new directly elected Commissioners will set strategy but cannot publish or vary their plans without agreement from the Chief Constable for the area. New Police and Crime Panels will also hold the Commissioner to account.
- on primary health care, GP commissioning consortia will collectively hold and allocate a £80bn budget, while new Health and Wellbeing Boards will have influence over their decisions, through JSNAs and joint strategies. These plans will be drawn up jointly between these two bodies, but it is not clear what happens if the two cannot agree.
- Health & Wellbeing Boards will include elected councillors, alongside professionals. These boards will be statutory committees of the local authority, but will also have a duty to have regard to the NHS Commissioning Board mandate in preparing the JHWS. Again, it is not clear what happens if the local authority and NHS Board take a different view on health needs.
- on public health, Directors of Public Health will be employed by first tier councils but will be ultimately accountable to the SoS for Health (through the Chief Medical Officer) while also being chief adviser to the local authority. Meanwhile the local authority chief executive will be the formal accountable officer for a ring-fenced public health budget for the area.

These arrangements are not going to be easy to explain to citizens. And this is at a time when the public are becoming increasingly concerned to know who makes the final decision, as public resources shrink or are rationed.

A different picture is emerging in London

In London, with a governmental system different in several important respects to elsewhere, a more integrated governance landscape is emerging. This is focused around the Mayor, the mayoral 'family' of agencies, and the mayor's relationship with Boroughs as now defined through the City Charter. Coalition proposals for policing, and local enterprise and growth, will vary in London from those being introduced elsewhere. The solutions for London look to be more coherent, and more clearly accountable to Londoners.

Will Whitehall be joined up in its approach to local governance?

Looking upwards from a local level, there are signs of a return to silo behaviour within Whitehall. Different government departments are once again going back to carving out 'their' separate part of the local partnership and delivery landscape. With the abolition of LAAs, a five year attempt across Whitehall to bring about a more co-ordinated and unified approach to place-based 'better outcomes' has swiftly fallen away.

Targets as such may have disappeared, but ‘outcome frameworks’ remain. DH are publishing three sets covering the NHS, social care, and public health.¹² Departmental Business Plans each contain a set of impact measures and milestones. The Local Government Group is assessing how many of these will relate to (and will require data collection by) local government.

On the plus side, Government announcements on LEPs, on Health and Wellbeing Boards, and on Childrens Trusts, have all made it clear that the Government does not wish to prescribe the precise detail of governance arrangements for these differing bodies. This is being left to local discretion, with some core requirements and ‘expectations’ being defined from above.

Councils and LSPs will welcome such discretion. But it should also be recognised that some of these new partnership bodies are ‘weak’ models, in governance terms, with no significant executive powers or resources of their own. Much reliance is still being placed on co-operation and voluntary participation by local partners.

Little specific reference has been made in Government White Papers to LSPs themselves. There is much encouragement of collaboration, but little by way of specifics to ensure this comes about, or who acts as ‘system leader’ across the piece.

Department of Health sees Health and Wellbeing Boards as having an important and growing role. The public health White Paper¹³ explains that there will be sufficient flexibility in the legislative framework to allow Health & Wellbeing Boards to go beyond their minimum statutory duties. This theme is repeated in the latest DH proposals for legislation.¹⁴

In this latest publication, Health and Wellbeing Boards are seen by DH as a potential ‘*vehicle for driving wider place-based initiatives, such as the community budget areas announced in the recent Spending Review, focussed on helping turn around the lives of families with multiple problems, improving outcomes and reducing costs to welfare and public services by enabling a more flexible and integrated approach to delivering the help these families need*’.

This idea of a more powerful multi-agency body will come as welcome news to many involved in local partnership working. But pending publication of the Health and Social Care Bill, it is not yet fully clear how these arrangements will work. Health and Wellbeing Boards are described by DH as being ‘statutory committees of the local authority’, and there is reference to them ‘discharging local authority functions’. Yet their composition and membership will be very different from existing local authority committees.

¹² The first of these (adult social care) has now been published (at: http://www.dh.gov.uk/en/Consultations/Liveconsultations/DH_121509) and the remaining two – (on public health and the NHS) are due to be published shortly.

¹³ Healthy Lives, Health People, Department of Health December 2010: http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_121941

¹⁴ See footnote 9 above

They will also have an accountability line to the Secretary of State in that they 'will have a duty to have regard to the NHS Commissioning Board mandate in preparing the JHWS'.

This development would seem to create a new form of statutory body and also require a re-writing of some long-established principles limiting how local councils can delegate their powers and functions. The Health and Social Care Bill will presumably address these issues.

If the current DH vision of these boards holds, they will become the closest thing yet seen to a multi-agency body or 'statutory LSP' with its own powers and duties. This may encourage existing LSPs to see them as the main 'people-focused' partnership body for the area, with the LEP at a higher spatial level focusing on 'place'.

Are there alternative routes that LSPs should be thinking about?

Most LSPs have hitherto chosen to remain as voluntary partnerships (in legal terms as 'unincorporated associations') rather than taking on any legal form. But there are other options available. Current debates on the roles of new forms of mutual and co-operative, in the context of the Big Society and Government's wider public service reforms, point to other possibilities.

Partnerships will differ across the country in both form and functions in order to best meet local circumstances and opportunities. A partnership may need legal personality or a specified accountable body in some circumstances, such as if it wished to own assets or contract to deliver certain functions. The constitution and legal status of each partnership will be a matter for the partners, informed by the activities that they wish to pursue.

DBIS White Paper on LEPs, *Local Growth*, October 2010

Limited companies

In the UK a limited company is normally a form of business entity in which shareholders have an interest, and take on liabilities limited by shares. A private company that is limited by guarantee does not have share capital, but is guaranteed by its members who agree to pay a fixed amount in the event of the company's liquidation. Charitable organizations often incorporate themselves using this form of limited liability. One or two LSPs, in days when they focused mainly on regeneration, have used this model of governance in the past.

Community Interest Companies

Community Interest Companies (CICS) are limited companies, with special additional features, created for the use of people who want to conduct a business or other activity for community benefit, and not purely for private advantage.¹⁵ This is achieved by a "community interest test" and "asset lock", which ensure that the CIC is established for community purposes and the assets and profits are dedicated to these purposes. Registration of a company as a CIC has to be approved by the Regulator who also has a continuing monitoring and enforcement role.

The role of the Regulator was established by the Companies (Audit, Investigations and Community Enterprise) Act 2004. The Regulator is an independent public office holder appointed by the Secretary of State.

Over 4,300 organisations are currently registered as CICs, including local health partnerships, town centre partnerships, and a wide range of social and community enterprises.

For areas which want to retain a wide and inclusive LSP, with third sector and community representatives, the CIC model may offer attractions. It would allow the LSP to do things as a member organisation (for example on Big Society initiatives) as well as being a forum for discussion and planning ahead. Two examples of CICs are the Southwark Circle and the Hammersmith & Fulham Circle, which provide neighbour support as well as a social network.¹⁶ LSPs wishing to explore this avenue would, of course, need to give some careful consideration to the role elected members would have.

Mutuals and Co-operatives

- *We will support the creation and expansion of **mutuals, co-operatives, charities and social enterprises**, and enable these groups to have much greater involvement in the running of public services.*
- *We will give public sector workers a new right to form employee-owned co-operatives and bid to take over the services they deliver. This will empower millions of public sector workers to become their own boss and help them to deliver better services.*

The Coalition: our programme for government, May 2010

All the main political parties have shown interest on the potential role of co-operatives and mutuals in delivering public services. Third sector organisations such as the National Council for Voluntary Organisations (NCVO) have promoted such ideas for some time.

¹⁵ See at: <http://www.cicregulator.gov.uk/index.shtml>

¹⁶ See at: <http://www.southwarkcircle.org.uk/index.php> for the Southwark Circle

Mutuals

The Government, through the Cabinet Office and its Office for Civil Society, has a programme of specific measures to support the growth of mutuals. As part of the Big Society agenda, Government plans to legislate for a 'right to provide'. This would require public sector employers to look positively on bids from their workforce to transfer and outsource services to employee mutuals, as an alternative service provider.

Similar rights for local communities to bid to take on public services which are at threat of failure or closure are also included in Localism Bill.

In the healthcare sector, there are a number of large and small provider organisations operating as mutuals, providing community health and social care services (such as Central Surrey Health).¹⁷

Co-operatives

Co-operatives UK is the national trade body that campaigns for co-operation and works to promote develop and unite co-operative enterprises.¹⁸

There are over 4,800 independent co-operatives working in the UK. In terms of governance arrangements, the common features are that co-operatives:

- are owned by members - and not by institutional shareholders
- exist to serve their members, whether they are the customers, the employees or the local community
- ensure all members have an equal say in what the co-operative does. So, as well as getting the products and services they need, members help shape the decisions their co-operative makes.

The mutual or co-operative model may be more suited to operational provider organisations, than to partnership bodies such as LSPs. But the scope for different varieties of not-for-profit legal bodies (which also includes development trusts and charities) is considerable.¹⁹

New forms of 'citizen accountability'

The transparency agenda is seen by Government as creating an important new form of direct accountability to citizens. Publishing of raw data, by central and local government, has been a big feature of recent months.

¹⁷ See at: <http://www.centralsurreyhealth.nhs.uk/>

¹⁸ See at: <http://www.uk.coop/>

¹⁹ OPM has produced a really useful document looking at ***New models of public service ownership: a guide to commissioning, policy and practice*** (2010). Appendix 1 (page 29) contains clarification of the range of different models available, and a summary of their key characteristics. The document can be downloaded at: <http://www.opm.co.uk/resources/33505>

It is early days yet to assess whether Government objectives of squeezing out inefficiencies, and equipping individual citizens with a better understanding of how government works, will be achieved through these measures. This may depend to the extent to which third party bodies come forward to collate, analyse, and publish information in more user-friendly formats than the raw data currently available.

There are also inevitable issues around objectivity, and context, in the way information is presented to the public. The recent months have seen many examples of the media fastening on isolated pieces of data and examples of perceived 'waste' of public funds, at both central and local level.

In terms of making citizens better informed on 'how we are governed' there remains a long way to go. There are few if any sources of information that explain, in simple terms, the relationship and respective roles of central and local government. A Commons Select Committee is currently exploring the potential benefits of codifying central/local relations in a nation with an unwritten constitution.²⁰ Explaining the landscape of local governance, across all parts of the public sector, is a similar challenge.

The Big Society and devolved forms of neighbourhood accountability

As part of the Big Society agenda, Government is encouraging councils to devolve decision-making to neighbourhoods and very local levels. A number of measures in the Localism Bill will introduce substantive changes in (for example) the local planning framework.

As with councils, LSPs (and perhaps other partnerships in larger geographic areas) may want to consider the benefits of a more devolved approach to what they do. The Home Office has specific commitments in its Business Plan on beat meetings and monthly crime statistics, at neighbourhood level.

In response to Big Society proposals, many areas are creating or modifying neighbourhood governance arrangements, ranging from forums to 'community boards'.²¹ The potential for neighbourhoods to acquire planning powers, through measures in the Localism Bill, will be an incentive to local groups. Councils may also come under pressure to undertake formal community governance reviews²² and to consider the potential benefits of parishes or neighbourhood councils in areas where these do not already exist (such as London).

²⁰ Inquiry being held by the Political and Constitutional Select Committee at www.parliament.uk

²¹ There are a number of case studies in the Community Empowerment section on the LGID website, at: <http://www.idea.gov.uk/idk/core/page.do?pagelId=16639657>

²² *Guidance on community governance reviews* CLG March 2010 at: <http://www.communities.gov.uk/publications/localgovernment/guidancecommunitygovernance2010?view=Standard>

LSPs are potentially well placed to help an area develop its own approach to strengthening civil society. They have experience from LAAs of analysing the hard and softer characteristics of an area and developing the 'story of place'. When it comes to building new markets for mutuals and non-state service providers, they are free of the vested interests or professional territorialism which may exist within the local authority.

LSPs may also prove able to encourage volunteering and participation in ways that local people respond to well, without overtones of paternalism or authoritarianism. There is also the potential for them to look at the public assets in an area and to consider collectively which might be best suited to community groups owning or running them. These are just two of several areas of potential activity suggested below for LSPs reviewing their role and future.

Conclusions and next steps

Many LSPs and other bodies within the local partnership 'family' are currently reviewing their roles and working out where they can best add value to governance and public service delivery within their locality.

Trends in recent weeks suggest that many areas will wish to retain a streamlined set of arrangements to orchestrate local partnership working, but will move away from rhetoric and terminology associated with the previous government.

The Localism Bill includes a range of measures which have more to do with decentralisation and dispersal of power, in the Big Society context, than with devolution from central to local government. The proposed 'general power of competence' is a genuinely devolutionary measure for local government, provided that few restrictions or prohibitions are imposed via secondary legislation.

LSPs and other local partnership bodies may find themselves becoming involved in several of the new community-based powers in the Bill. The 'community right to challenge' and the 'community right to build' or 'to buy' could well surface as potential levers for change, in local partnership discussions.

There is no statutory requirement on councils to maintain a local strategic partnership, and the existing duty to co-operate (2007 Act) applies only to LAA functions, now disappearing. There remains however a duty to prepare a sustainable community strategy²³ and a wider duty to co-operate, to be placed on councils and other local agencies, is due to be introduced via the Localism Bill.

The pressures to make spending cuts are acute. Support activities for partnership working are an easy target, in that these are generally not statutory functions and their impact cannot easily be quantified or evidenced in the short-term.

²³ Section 4.1 of 2000 Local Government Act

Yet for the longer-term, there is widespread acceptance that effective multi-agency working, more intelligent interventions, and joint oversight of spend can help make public resources go further. The CLG 'essential guide' to the Localism Bill re-affirms the Government commitment to roll our community budgets (place-based budgets) beyond the 16 pilot areas, from 2013.

Partnerships therefore need to demonstrate their worth, and to exploit to the full the removal of bureaucratic burdens brought about by the Coalition Government.

Useful issues to explore in reviews of partnership governance and accountability include the following:

- **is the main focus of our 'LSP family' to look at future needs and strategy, or to co-ordinate public service delivery to best effect? Or both?**
- **has the focus changed, to cost savings, shared services and efficiencies? Or are these being addressed in other ways?**
- **have our local partnership bodies begun to take on a wider governing role, ensuring that local strategies and plans reflect local aspirations and helping to make choices where resources have to be cut back?**
- **do our partnerships have the membership and governance arrangements to make them fit for purpose?**
- **is political leadership sufficiently embedded to ensure enough democratic legitimacy for decisions? Do partnership activities and decisions get fed back to local councillors in the area?**
- **should our LSP and other partnership bodies take on a legal form, and if so what should this be? Would it help if they could hold assets, employ staff, or disburse resources directly?**
- **is there a good quality and up-to-date website that explains how local partnerships work, and how they fit together? Does this explain governance and accountability arrangements?**
- **has the LSP thought through all the implications of Coalition plans for policing, health and wellbeing, and local enterprise? Will the right bodies be operating at the right spatial level?**
- **can we make our partnerships more visible to the public, communicating how they will play a role in strengthening civil society for the benefit of the area?**

Table 1 the key features and future direction of governance for existing types of local partnerships

Partnership type	Key governance features	Future direction
Local Strategic Partnerships	Non-statutory with no powers or resources of its own. Established in all 152 first tier areas and in most districts. Membership laid down in CLG guidance, including business and VCS. In recent years responsible for SCS and LAA (at first tier) as 'over-arching' partnership for locality. Local authorities act as 'responsible authorities' for LAAs and as accountable body for funding streams.	LAAs will end (as we know them) in March 2011, and GO monitoring of targets has already ceased. Community strategies remain a statutory duty. Most areas are reviewing their LSPs, and some are winding up. Potential role for LSPs on localised delivery agreements, efficiencies and joint service reconfiguration, shared services, and place-based budgets remains important. Role in Big Society under debate. No specific Government pronouncements on future of LSPs.
Crime and Disorder Partnerships	Partner bodies have statutory duties to carry out, in partnership (but CDRPs are not 'statutory bodies' themselves). Membership fixed in legislation. Have operated at unitary and district level since 1998 Act. County-level CSPs became common as part of LAA framework.	Home Office reviewing and reducing statutory requirements on partners. HO has also allowed CDRP/CSP mergers in two-tier areas. Impact of Policing and Crime Commissioners (at the higher spatial level of police forces) not yet clear.
Health and social care partnerships	Until recently, no requirement from government for such a partnership. Increasing focus on NHS and LA joint working (and introduction of health and care 'block' in original LAA framework) has led many areas to set up such a thematic partnership as part of the LSP 'family'.	Coalition proposals for NHS reform involve Health and Wellbeing Partnerships. These will have statutory form from April 2013. Powers will include preparation and implementation of JSNA and joint H&W strategy for the area. Duties will apply equally to Board and GP consortia. Core membership to be fixed in legislation.
Childrens Trusts	As with CDRPs, Trusts themselves are not defined in legislation but are underpinned by a 'duty to co-operate' in 2004 Children Act. In place in first tier local authority areas. 2009 Act extended the co-operation duty and required LAs to establish a Childrens Trust Board, with duty to prepare CYPP.	Coalition proposes to remove duty to set up CT Board, and to reduce other requirements. The new Government 'supports effective local partnerships and is freeing them to address local issues. .'. Some CT functions transfer across to H&W Boards.
Economic and employment partnerships	No requirement from previous Government for such a partnership, but many areas set up variety of bodies on local enterprise, worklessness, and regeneration, within LSP 'family'. MAA governance arrangements have operated at relevant spatial level. Usually non-statutory, with some examples of limited companies, CICs, and other structures such as S101 joint committees.	Coalition plans for LEPs set out in Oct 2010 White Paper. New co-operation duty on partners, for planning and infrastructure development. 24 LEP areas announced to date, with more to follow. In terms of governance, LEPs will not be defined in legislation. Areas free to choose e.g. limited company status. No new governance models proposed. Membership 'expected' to be 50/50 split LA and business, with business in chair. Mayors may chair in big cities.

Table 2 Current Whitehall initiatives linked the Big Society and localism agendas

Government Department and legislative context	Nature of initiative
<p>Communities and Local Government</p> <p>Localism and Devolution Bill published Dec 2010</p>	<p>Community right to bid to take over state-run local services</p> <p>Community right to bid to take over local facilities and services threatened with closure</p> <p>Planning changes – proposals for neighbourhood plans and devolved decisions.</p> <p>Community budgets</p> <p>General power of competence</p>
<p>Cabinet Office and Treasury</p> <p>Public Service Reform White Paper due Jan 2011</p>	<p>'Right to provide' with public employers expected to accept bids from workforces to run services as mutuals.</p> <p>Support creation of mutuals</p> <p>Establish new transparent reporting process for public bodies</p> <p>Implement 'right to data' across government</p> <p>Create the Communities First fund to support neighbourhood groups with endowments and funds.</p> <p>Establish Transition Fund 'to enable third sector to become more entrepreneurial and to bid for public service contracts'</p> <p>Establish National Citizens Service</p> <p>Training and deployment of 5,000 community organisers</p> <p>Establish Big Society Bank</p>
<p>Department of Health</p> <p>Health and Social Care Bill</p>	<p>Extend rollout of personal health and social care budgets</p> <p>Create HealthWatch as a new body for patient voice</p> <p>Transfer public health responsibilities to local authorities, with ring-fenced funding</p> <p>Introduce "health premium" as a form of reward grant for local authorities that tackle public health challenges</p> <p>Support integration of health and social care funding to incentivise preventative action</p> <p>Strengthen local democratic legitimacy over health and wellbeing (H&W Boards, transfer of public health to LAs, and other reforms)</p>
<p>Home Office</p> <p>Crime and Social Responsibility Bill, published Dec 2010</p>	<p>Replace police authorities with directly elected Police and Crime Commissioners ('Office of Mayor' takes on this role in London).</p> <p>Guidance on monthly beat meetings and monthly publication of crime statistics</p> <p>Provide the incentives, training and encouragement for people from all walks of life to help to police their own communities</p> <p>Overhaul alcohol licensing to give police and local authorities more powers to reflect local views</p>

Government Department and legislative context	Nature of initiative
<p>Department of Education</p> <p>Children, Schools and Families Act 2010</p>	<p>Introduce new Free Schools</p> <p>Take steps to end child poverty and improve life chances for the poorest (Frank Field review)</p> <p>Develop a new approach to turning around the lives of chaotic and dysfunctional families</p> <p>Explore options for allowing parents greater flexibility to use their early education entitlement</p>
<p>Department of Work and Pensions</p>	<p>Localise Council Tax Benefit</p> <p>Establish a network of locally led Work Clubs in community settings where people can meet, exchange skills, share experiences and receive support in finding local job opportunities</p> <p>Help connect unemployed people with volunteering opportunities in their area through a new volunteering initiative called Work Together</p> <p>Develop options, working with the Ministry of Justice, to reduce reoffending and deliver savings for the criminal justice system by giving employment support to offenders and ex-offenders, including through Work Programme providers</p>
<p>Department of Culture Media and Sport</p>	<p>Work with Cabinet Office and the Treasury to bring together proposals to incentivise more social investment, philanthropy and giving, including a strategy to boost giving from private individuals to cultural institutions, incorporating insights from behavioural science</p> <p>Reform the Big Lottery Fund to ensure that only voluntary and community sector projects are funded and to prevent funding of politicised projects</p> <p>Enable the creation of new local TV stations</p>
<p>Ministry of Justice</p>	<p>Invite private and voluntary organisations and local communities to provide services where they can do so effectively and at a lower cost</p>

THE CHANGING LOCAL GOVERNANCE LANDSCAPE – WHO WILL HOLD THE STRINGS?

LOCAL ELECTORATE

NATIONAL ELECTORATE

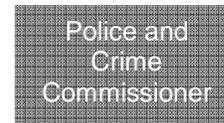
SUB REGIONAL LEVEL



Non-statutory. Business-led (except perhaps in mayoral cities). No powers or resources of its own.



Minimum of 10 cllrs and 2 co-opted members. Budget veto powers with 75% majority.



Statutory with powers and policing budget. Directly elected at force level. Overseen by P&CP.



Accountable to Commissioner (but can veto issue or variation of police and crime plan by Commissioner)

LEVEL OF 152 FIRST TIER AREAS



Becomes accountable officer for public health budget



Accountable to SoS rather than LA. Appointed jointly by Public Health England and local authority



Non-statutory. No powers and no longer has LAA remit. Previously seen as over-arching partnership and 'convenor of place'. Role being re-thought in many areas, with a view to streamlining.



Some statutory duties on 'responsible authorities' remain, others being removed. Crime and Policing Strategy will be set by PCC, and overseen by P&C Panel, at a higher spatial level. Scope for CSP mergers amongst districts.



New statutory body. Shared duty to prepare JSNA and strategy, with GP consortia. Takes on public health role, with these responsibilities transferred to LAs. Level of influence over GP commissioners will emerge over time. Also takes on childrens health.



Statutory functions being removed. H&W Boards take on childrens health issues.