



**Local accountability in a multi-agency
environment**

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A new contract between citizen and state

With increasingly complex models of public service delivery, it is more important than ever that local services remain accountable to the people that use them. The need to learn from complaints, the role of local scrutiny, and the relationship with the regulatory landscape, are all key to ensuring effective local public accountability is embedded in future reforms and innovations in public service delivery.

In seeking to investigate complaints and, where appropriate, provide redress for members of the public, the day-to-day work of the Local Government Ombudsman (LGO) is increasingly concerned with establishing three things: where responsibility lies for statutory functions and duties; which bodies are liable to remedy redress; and who is accountable for service improvement. In a multi-agency landscape these questions go to the heart of local public accountability.

Local authorities recognise that they cannot be blind to the fiscal and financial challenges they face. The sector is facing rapid change and the emerging public service delivery models are blurred with the voluntary and community sectors. This is leading to an erosion of organisational sovereignty and a new settlement between the state and the citizen.

Local authorities have the democratic mandate and are accountable to the electorate. They must place people's experience

at the heart of the scrutiny of their services in order to foster trust.

People need to know who, locally, is accountable for the services they use, and be supported to navigate the complex landscape of public services, in particular the health and social care sectors. The increased reliance on community assets, families and carers creates a unique complexity that needs to be understood.

People's trust and confidence in public services ebbs and flows, but is considered to be decreasing.

The approach of one regulator, the Care Quality Commission, in restoring public trust is to ask five questions that people want to know about the services they use:

- > Are services safe?
- > Do they work and are they effective?
- > Will I be treated with dignity and compassion?
- > Are services responsive?
- > How well led are services?

A recent example of a case brought to the LGO illustrates the complex view people who use services have:

A family had been paying a private care home top-up fees for a council-contracted placement. They believed they had been paying their relative's assessed contribution towards her care – payable to the council – but it later transpired that the sums the care home had requested were a top-up to meet the shortfall between the council's rate and what they usually charged private residents. In this dual arrangement, it was understandable the family was unaware that no fee negotiation should have taken place between the care home and themselves because the contract was between the provider and the local authority. The council agreed to work with the care home to reimburse the extra money the family had paid directly.

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The need for proportionate and appropriate accountability

Achieving proportionate and appropriate lines of accountability in a complex public service environment is challenging, but essential. To do so, consideration must be given to exactly what the state offers its citizens, what citizens are expected to do for themselves and how these expectations can be shaped and managed. Once this 're-framed' relationship is understood, the accountability mechanisms for the quality of that offer can be set out.

There are various levers for ensuring the thread of accountability runs through our public services; from top-down approaches such as regulation, targets and inspection, to bottom-up mechanisms like complaints and customer feedback. Understanding how these mechanisms operate and interrelate should be the starting point.

It is recognised that people who use public services should not be expected to navigate the messy web of accountability mechanisms that are in place – it is the role of system leaders to support them to do so. People do not necessarily want or need to understand the 'accountability' structure, but do want to receive and experience good quality, safe services, and to know who to go to when things go wrong. The system must offer people a clear route to redress, where it can be seen that an organisation is being held to account in an appropriate and

proportionate way.

Local authorities continue to rapidly shift from a model of service delivery to place-based organisations who 'make things happen' in their areas; acting as the catalyst for change and activity, rather than the deliverer of service. This shift means innovation can flourish. Programmes of work challenge traditional models of service delivery and cut across long-standing boundaries and barriers; channels of accountability need to be able to match this innovation.

Within this changing environment, local authorities remain committed to their statutory responsibilities, and there remains a desire to retain the responsibility and accountability for those services. Protecting and supporting the most vulnerable citizens remains the priority. This is why re-negotiating the relationship between the citizen and the state is so important. Local authorities experience the effect that some groups of individuals can have on resources through their excessive demand on public services. Beyond safeguarding responsibilities, local authorities are challenged to manage the relationship with citizens who make 'unreasonable' demands on local services. In some instances, moving towards a model of shared accountability for the outcomes individuals and communities achieve is the most sustainable model for the future.

In addition to this shift towards shared accountability, more

efficient delivery of services can be achieved by pooling budgets locally from different funding streams. Instead of allowing these developments to be stifled by blurred lines of accountability, this innovation should be supported by clear accountability, driven by the public voice.

This example case demonstrates the complexity of providing post-16 education and social care for a young person with severe disabilities.

In considering appropriate support with an independent specialist provider (in this case a further education college), the council had to consider a learning difficulty assessment and a post-16 placement panel, then decide whether to fund the placement. The council had an independent review panel to consider the panel's decision but a referral should have been made to the Joint Agency County Panel for full consideration of joint education, social care and health funding. It is no surprise that the family in this case were left distressed and uncertain of what could be provided.

As the traditional model of public service delivery is eroded, new risks emerge and trust in the system is challenged. Transparent public services and effective leadership are key to re-building trust, tolerating and managing risks and encouraging innovation.

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Consumer democracy - the challenge for local leadership

Officials and elected members all have a role to play in developing accountability which meets the needs of a consumer democracy. At the local level complexity can be dissolved by clear leadership and direction.

Elected members represent the electorate and have a key role in helping people to navigate public services. Through mechanisms such as Overview and Scrutiny Committees, councillors can ensure their local services are accountable. As their role changes they will have less direct control of provision of services but retain influence as commissioners of services on behalf of local people. In this role they need to pose the difficult questions that need to be asked about the quality, safety and responsiveness of services. This suggests an approach more akin to appreciative inquiry where problems are analysed and understood as a precursor to improvement and change rather than punitive action. An openness to complaints as a constructive vehicle for reflection on service quality and personal choice is a key component. Robust monitoring of contract compliance and clarity over liability for compensation will also be required.

Supporting local advocacy, particularly for the most vulnerable, and enabling the voice of local group and communities – perhaps in the mode of collective ‘super’ complaints – will increasingly be a key issue.

The local authority is, once again, best placed to lead new arrangements which reduce the complexity for citizens exercising their consumer rights of redress within a local democratic framework. Nowhere more so than in relation to health and social care services. Whether the citizen is receiving a service, choosing a service or directly purchasing a service, there needs to be a clear line of accountability. The public want their basic rights protected, they want a good service, some might want their money back, but most want providers to accept fault, apologise, put things right and take steps not to make the same mistake again. Questions about who is responsible, liable or accountable should not get in the way of local people being able to raise complaints and concerns nor should they present barriers for local resolution and redress.

The managed interconnectivity of the range of lines of accountability, possibly though placing a duty on public services to make it easy to complain, should allow citizen experience to drive system improvement. Local authorities can and should demolish the barriers and make the connections for a local complaints highway, which is much easier to travel.

The following diagram brings together the range of interconnected elements, highlighted throughout this paper, that support local accountability in the multi-agency environment local public services now operate in. The overarching themes of personal responsibility, supported by effective local leadership, are likely to define the new contract between the citizen and the state.

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