

Performance and governance of local authorities: draft guidance

Q1. Does the draft guidance make it clear what is expected of principal councils as set out in the provisions of Part 6 of the Local Government and Elections (Wales) Bill in a way that can be understood by principal councils? If not, why not?

UNISON agrees the draft guidance makes clear the expectations of principal councils as set out in the provisions of the Local Government and Elections (Wales) Bill in a way that can be understood by principal councils.

However, within the current context of long-term funding pressures resulting from austerity, which has been compounded by COVID, the expectations could be considered unrealistic. Of course, it is the aim of authorities and those working for principal authorities to deliver high quality, responsive, sustainable services that not only meet the need of the citizen but exceed in terms of quality and delivery. Yet the current context does not enable this to come to fruition.

An example cited in the document reads:

“Under the Housing (Wales) Act 2014, a local authority is required to provide support where a person is threatened with homelessness within 56 days. Whilst this is the legal minimum, councils, and partner agencies such as housing associations, should, in the delivery of their existing functions, have due regard to how these functions can be used to support the provision of adequate housing; aiming to intervene much earlier than the legislation requires.”

Those working in councils and housing associations to address such issues outlined in this example are already working at crisis point and have excessive caseloads which they are expected to manage. The workforce is fatigued and are working to respond as quickly and productively as possible to challenges but are not able to do so because of factors outside of their control, including funding. It is these same issues, for example austerity and COVID, that have significantly increased demand on services that are already being squeezed to their limits.

It is worth noting that the lack of available accommodation is not just as a result of COVID, but also the high private rents, that aren't policed or managed, compound the struggle that local authorities have in exceeding expectations particularly within housing and homelessness due to the current and foreseeable demand outweighing the availability of any form of accommodation.

Whilst performance and governance arrangements may identify a desire for principal authorities to exceed expectations, the reality is that this simply may not be possible within the current context and this is not the fault of the authorities or the workforce delivering these services.

With the challenging financial positions within local authorities and across the wider public sector, in many cases maintaining a 'standing still' position could be regarded as acceptable performance. Any assessment of performance should take account of the reason(s) for a static position and this should not be seen as a negative position.

Q2. Does Chapter 2 of the guidance set out the performance requirements and the duty to keep performance under review sufficiently clearly? If not, what would you add or change?

UNISON agrees the guidance sets out the performance requirements and the duty to keep performance under review sufficiently clearly. Performance review should not be considered a punitive action.

UNISON welcomes the inclusion of the workforce and trade unions as stakeholder in providing insight into how an authority is performing. The workforce is one of the greatest assets of any organisation and the skills and feedback that can be provided from within the organisation are valuable to any performance and governance exercise. This should also apply to any services that have been outsourced or provided by a third party.

It is important to bear in mind, with any performance review, that meaningful consultation and engagement is essential. UNISON would welcome an increased emphasis on this and recommend that principal council should seek to demonstrate how feedback has shaped strategy and policy development in their performance improvement journey.

In addition, it is worth noting that each authority has different priorities and local issues which they will seek to address and will direct resource accordingly. A flexible measure for assessing what is economical, efficient and effective will need to be considered to take into account the number of variables across the 22 authorities.

Q3. Does Chapter 2 of the guidance explain how a council could meet the requirement to undertake self-assessment in order to fulfil its duties? If not, what would you add or change?

The guidance should be clearer in terms of timescales, outlining a maximum period expected between each assessment, rather than indicating that performing an assessment nine years apart wouldn't be considered favourably and may call into question whether an authority is meeting its duty. The validity and usefulness of a performance review over such a lengthy timescale could be questionable given that working environments and/or political contexts can alter quite dramatically over such a timeframe. In addition, UNISON is of the opinion that a more prescriptive timeframe for publication of the panel report should be set out as there is the potential for publication to be used for political benefit/loss given its correlation to the political cycle.

UNISON also questions whether 22 unique assessment methods is the correct way to measure performance and governance. UNISON is not suggesting pitting authorities against one another, but there is some value in being able to compare performance and governance between authorities.

UNISON advocates that panel members should be entitled to statutory time off to perform public duties and that no individual should suffer a loss of earning to ensure more people are empowered to be able to undertake a role on the panel.

As the document outlines, it is essential that the panels are made up of as diverse and multi-skilled a pool of people as possible. However, when you consider the overall make-up of Councillors and senior leadership positions across local authorities in Wales, there is a clear lack of diversity.

Q4. Does Chapter 3 of the guidance make the minimum requirements for principal councils to arrange and respond to a panel performance assessment clear, as well as provide sufficient flexibility for each council to determine its own approach? If not, what would you add or change?

As outlined above, UNISON is of the view that there is some merit in being able to efficiently compare data across authorities to gain insight into how authorities are performing relatively.

It will be essential that principal councils can demonstrate the independence of their panel given the suggested composition and potential for political gain/loss.

UNISON believes that recognised Trade Unions must play a key role on panels and principal councils actively encouraged to engage.

Q8. We have asked a number of specific questions on the draft guidance. If you have any related issues which we have not specifically addressed, please use the consultation response form to express your views.

It is essential that nobody is precluded from participating in the panel to ensure a holistic assessment of the performance and governance of authorities. However, we are concerned that there will be limitations on the breadth of experience and diversity that the role attracts.

It is important that these panels are truly representative of the communities they will represent. Our communities across Wales are rich in terms of what they can offer such a process, and this could lead to some exciting development across authorities, but only if that diverse knowledge, experience, and skill is properly harnessed.

Q9. We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.

It is essential that nobody is precluded from participating in the panel to ensure a holistic assessment of the performance and governance of authorities. However, we are concerned that there will be limitations on the breadth of experience and diversity that the role attracts.

It is important that these panels are truly representative of the communities they will represent. Our communities across Wales are rich in terms of what they can offer such a process, and this could lead to some exciting development across authorities, but only if that diverse knowledge, experience, and skill is properly harnessed.

Submit your response

You are about to submit your response. Please ensure you are satisfied with the answers you have provided before sending.

Name Amber Courtney
Organisation (if applicable) UNISON Cymru Wales

If you want to receive a receipt of your response, please provide an email address. Email address

a.courtney@unison.co.uk