



Creating Strong, Safe and Prosperous Communities – the statutory guidance

This briefing is for all local authority contacts including Chief Executives, Council Leaders and Elected Members and Trade Union Representatives in England

Key issues:

- Local Strategic Partnerships
- Sustainable Community Strategies
- Local area agreements
- Duty to involve
- Joint Strategic Needs Assessment
- Best Value and Commissioning

1. Introduction

The statutory guidance “Creating Strong, Safe and Prosperous Communities” was published on 9th July 2008. This guidance covers aspects from the Local Government and Public Involvement in Health Act 2007, and revises the guidance on community strategies and best value.

The guidance includes:

- Local Strategic Partnerships (LSPs)
- Sustainable Community Strategies (SCSs)
- Local Area Agreements (LAAs)
- Duty to involve local people
- Joint Strategic Needs Assessment
- Best Value and Commissioning

2. The Guidance

The guidance presents itself in the concept of a “new settlement between central government, local government and their partners, citizens and community leadership”.

The key components of this settlement are:

- Recognising that every place is different and has its own strengths and needs
- Central government taking a new approach that creates space for local priorities and innovation.
- Wider and deeper involvement of local communities to shape their own future
- Councils taking on a wider governance role as strategic leaders of their locality and as convenors of local partnerships
- A focus on co-ordinated action.

The local government remit will broaden to facilitate responding to long-term challenges to build social well-being. Future responsibilities will include public health, climate change, environmental sustainability and economic prosperity.

3. Local Strategic Partnerships (LSPs)

The guidance highlights LSPs as the starting point for delivering better outcomes. They comprise of a collection of organisations and representatives working in partnership voluntarily. As they are non-statutory bodies they are not ultimate decision makers and the legislation does not create any legal relationships, therefore target-setting and any financial, commissioning or contractual commitments must be formalised through one of the LSP partners.

The guidance identified the roles of the LSP as leadership and governance, overseeing and coordinating community consultation and engagement, and to produce a Sustainable Community Strategy (SCS) and, subsequently, a Local Area Agreement (LAA). The LSP will also oversee the planning and alignment of resources and review and performance manage progress. The likelihood of county and district LSPs in two-tier areas is acknowledged together with the need for individual and joint activity from both LSPs.

Local authorities are expected to lead partnerships ensuring the involvement of local residents and representation from all sectors. The local authority will also have some statutory duties and responsibilities including the production of the Sustainable Community Strategy.

4. Community Empowerment – the duty to involve

The duty to involve aims to allow people greater opportunities to have their say and to embed a culture of engagement and empowerment, meaning that local people are consulted and involved as a matter of course.

The new duty comes into force on 1 April 2009 and is an addition to existing statutory and non-statutory requirements. It does not give authorities any new powers.

Authorities are required to take appropriate steps to involve “representatives of local persons” and this covers providing information, consulting or involving in another way. “Local persons” covers adults, children or young people who are residents, students, workers, visitors, service users, third sector groups, businesses and anyone else affected by a particular local authority function but not elected members or nominated community members. “Representatives of local persons” means a balanced mix of “local persons”.

Local authorities need to look at providing opportunities for “representatives of local persons” to:

- Influence or directly participate in decision making
- Provide feedback on decisions, services, policies and outcomes
- Work with the authority on the design of policies and services
- Co-produce/carry out some aspect of the service themselves
- Work with the authority on assessing services

However, authorities do need to consider issues of privacy, previous engagement or involvement, and possible benefits and costs, when meeting the duty to involve. They should also decide who it is appropriate to inform, consult or involve, and consider who may be affected by, or interested in, issues and functions.

The guidance states that “appropriate engagement and empowerment should be embedded as standard practice throughout authorities, central to service delivery, policy, and decision making.

5. Sustainable Community Strategies (SCSs)

“Strong and Prosperous Communities” – the White Paper, set out that a SCS will provide a vehicle for considering and deciding how to address difficult and cross cutting issues such as the economic direction of an area, cohesion, social exclusion and climate change”. The strategies should give a long term vision and key priorities for a local area based firmly on local needs.

The duty to prepare an SCS applies to county councils, district councils, London borough councils, the City of London council and the Council of the Isles of Scilly and the SCS must be agreed at full council.

It is a statutory requirement that the SCS should contribute to the achievement of sustainable development in the UK. According to the UK Government Strategy of 2005 “Securing the Future”, the goal of sustainable development is enabling all people, worldwide, to satisfy their basic needs and enjoy a better quality of life, without compromising the quality of life of future generations. Local policies should respect the following principles:

- Living within environmental limits
- A strong, healthy and just society
- Achieving a sustainable economy
- Promoting good governance
- Using sound science responsibly

The SCS will be the overarching plan to address an area’s long-term needs and sustainability should be the focus of the strategy.

SCS’s and other local and regional plans such as Local Area Agreements (LAAs), Local Development Frameworks (LDFs), Housing and Homelessness strategies, regional and sub-regional plans, local and neighbourhood plans, and any other statutory plans need to take account of each other as they are prepared.

District and county councils are both required to prepare SCS’s but the Local Government Act 1972 permits authorities to discharge functions jointly with another authority, so the guidance acknowledges that in district and county areas there may be different types of strategies; but a county-wide SCS is the minimum expectation.

The guidance states that SCS’s need to be reviewed and updated but does not set statutory review periods.

6. Joint Strategic Needs Assessment (JSNA)

Local authorities and primary care trusts must produce a Joint Strategic Needs Assessment (JSNA) covering the health and social care needs of the local community including overlapping areas of responsibility. The JSNA should feed into the SCS which will then inform priorities and targets in the Local Area Agreement.

Further guidance on JSNA’s will be issued periodically.

7. Local Area Agreements (LAA)

The SCS provides the overview and background to the local area and the Local Area Agreement (LAA) is a shorter-term delivery mechanism for the SCS. Therefore LAAs must relate to the SCS. Responsible authorities must prepare an LAA when directed to do so by the Secretary of State. To prepare the LAA they must consult and co-operate with each partner authority and consult other partners such as local businesses, local people, parish and town councils, elected members and other bodies. In addition to specific guidance for local authorities, the statutory guidance provides an explanation for partner organisations who are expected which targets they need to contribute to and clarification for organisations with voluntary relationships with the LAA.

The guidance also details a number of developments for local authorities:

- Emphasis on the need for close cooperation with district councils
- Elected members have responsibility for representing the interests of their wards and in the formal approval and overview and scrutiny of LAAs and subsequent performance against the LAA
- Government office will be responsible for the negotiation timetable but the LSP is viewed as the appropriate forum for resolving any disagreements between the responsible authority and their partner organisations
- The council of the responsible authority can now decide to discharge the LAA preparation and approval or delegate these functions to the executive. In two-tier areas it will be at the discretion of the individual district councils whether agreed targets are formally adopted and this function will rest with the executive by default.
- Draft LAAs will need to clearly identify, by name, which partner authorities have agreed to help deliver each target and one partner must be identified as the lead to ensure progress against targets
- All links to community priorities and other statutory plans must be made clear in the published LAA
- The duty to publish the LAA is linked to the duty to involve.

8. Best Value and Commissioning

The duty of best value remains at the heart of the new performance framework even though local authorities no longer have to conduct Best Value reviews or produce annual Best Value Performance Plans.

To fulfill the Best Value duty, local authorities will need to achieve a balance between responding to the needs of all sections of the community, addressing the whole-life cost of decisions, exploiting economies of scale and achieving locally-responsive services. This will require consultation with and involvement of representatives of local people and with the relevant partner authorities where there is an impact upon LAAs.

The guidance states that local authorities should adopt a commissioning role to enable them to meet their best value duty. The local authority commissioning role means the best outcomes for the community are secured by making best use of all available resources. Commissioning involves:-

- Community and user engagement and analysis of need
- Strategic planning for services delivering sustainable outcomes
- Implementing plans, shaping markets and securing services and outcomes
- Monitoring outcomes, evaluating and challenging services

If commissioning is done well, according to the guidance, it would enable local authorities to focus on understanding the needs of communities and challenge existing service provision. It will also enable them to achieve cross-cutting objectives through mainstream services and result in more efficient use of resources by joint commissioning across local statutory bodies. Local authorities need to actively involve service users and the wider community throughout the commissioning cycle along with making use of the commitment and expertise of front-line staff.

The guidance recommends a mixed economy of service delivery with the public, private and the third sectors being involved through joint working, partnerships, contracting, or through service level agreements. Best Value, it suggests, is likely to be achieved in a mixed economy approach and local authorities need to recognise and embrace diversity in the method of service provision. The guidance states that in the long term local authorities will need to provide incentives and support to all service providers such as performance linked payments and sustainable funding. The capacity of smaller enterprises and organisations in third sector needs to be considered and measures need to be established to maximize their capacity to deliver community outcomes. Grants should be used particularly when building the capacity of partners and piloting new approaches to service delivery and the starting point should be for grants of three years.

The guidance recommends that the competitiveness of services should be “regularly and rigorously assessed” against other public bodies, local authorities and service providers. And that where in comparison with others they are found to be underperforming they should re-evaluate the “need and priorities for that service”. Where service improvement cannot be achieved within a realistic timescale or where it cannot match the performance of other providers, then they should consider alternative means of provision through “fair and open competition”.

9. Conclusion

The guidance concludes that monitoring, review and measurement of progress against targets is vital to achieve the right outcomes however, central to assessing whether or not desired outcomes have been delivered or if a change in focus is required, will be the views of the local community.

10. APSE comment

The Statutory Guidance does not differ greatly from the draft guidance issued in 2007. Changes have mainly clarified issues that have arisen during the first round of negotiations on Local Area Agreements.

However, some key issues that were raised about the draft guidance have not been addressed and APSE is particularly disappointed that the importance and ability of local authority in-house service providers to respond to a range of strategic issues through front line service delivery has not been emphasised throughout the guidance.

While an enhanced leadership role for local authorities within the local area is welcome the delivery aspects of Local Area Agreements could cause problems. Local authorities will have a cooperation duty but individual partners will retain their own budget controls which could create the prospect for partner organisations, and local councils, to revert to a more parochial approach when a commitment on resources is required. Government has attempted to address this in the new inspection framework but there are very limited practical restrictions as to how far local authorities can influence partner organisations.

The Best Value duty was very important in the development of continuous improvement in local government services, particularly in securing best use of resources. The retention of the Best Value Duty is therefore welcome and the removal of the procedural aspects is seen as a sensible

recognition of the fact that local authorities are reviewing and developing services linked to local priorities successfully. The guidance does not state that all areas of service provision must be put through the commissioning process but outlines the local authority role as moving towards the competition process for services that are underperforming and improvement plans have failed following regular reviews and assessment. In order for commissioning to be effective it is vital that it does not become a mechanistic process.

Whilst there is an emphasis on the competitiveness and contestability of services in the guidance there is no automatic presumption that services should be outsourced. Indeed the first test is to review competitiveness and address underperformance whether services are delivered in-house **or externally**. APSE supports the approach to testing the competitiveness of services and where they are found wanting, putting in place an improvement plan to deliver excellent public services. APSE published an E: publication entitled "*The Competitiveness Continuum*" in August 2007 which sets out an approach to testing competitiveness and continuous improvement using service review techniques. You can download the publication from APSE's website at (insert web link to the Competitiveness Continuum here).

APSE's performance networks service also provides an effective means of comparing the performance of a range of front-line services in terms of costs, efficiency and quality. Performance networks has over 10 years of experience and a wealth of performance data on service performance that is available to APSE and performance networks members to regularly assess the competitiveness of services.

APSE believes that this is the early stage of shaping the strategic commissioning agenda but local authorities must be clear about their statutory duties to avoid being bullied into commissioning unnecessarily.

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