

States of Guernsey

Meeting the challenge: towards stronger governance

Governance Review of the Committee *for* Health and Social Care

Report

1 Introduction

1.1 Purpose of the review

- Explore the extent to which the Committee *for* Health and Social care (CfHSC) demonstrates good governance in the ways in which it develops and implements strategy and policy and oversees the delivery of health and social care services;
- Provide a shared thinking space for Deputies and civil servants to explore what currently works well, in terms of good governance and what can be improved;
- Recommend and support the early implementation of changes in the way in which the Committee operates, to strengthen governance, and;
- Provide evidence to support the creation of a suite of development materials and activities on good governance for new and returning Deputies, following the election in 2020.

1.2 Background

This governance review, undertaken by Professor Catherine Staite, (a brief biography is attached in Appendix I) is the first in a planned series of reviews and was commissioned by the Committee *for* Policy and Resources, in conjunction with the President of CfHSC. As well as providing feedback on current performance and recommending change for individual committees, the reviews will support the Public Service Reform and Transformation programme by helping to ensure that governance is sufficiently robust to support significant change¹.

¹ A Framework for Public Service Reform 2015 – 2025 www.gov.GG/change

1.3 The Guernsey context

The individualistic, non-party political nature of Guernsey politics provides both opportunities and challenges. It enables Deputies to follow their passions and express their own views without the constraints of party discipline. However, it also means that Deputies do not have the political support structures or development opportunities enjoyed by elected representatives in other parliamentary democracies and, for example, members of UK local authorities. This may be particularly disadvantageous to less experienced Deputies when they become Committee members, which is why it is so important to provide relevant and accessible learning resources to build skills, knowledge and self-confidence in relation to governance.

The very different perspectives and motivations of Deputies and civil servants provide opportunities to bring complementary skill sets together to build stronger governance. However, challenges arise when a lack of shared understanding of roles, responsibilities and accountabilities leads to confusion, misunderstanding and conflict. For example, current Committee mandates (Red Book) suggest that Committees are responsible for operational matters. In one sense that is true, because Committees have the ultimate responsibility for ensuring that services and statutory functions are delivered to the highest standard. However, the role of Committees is to provide strategic oversight and political leadership to support operational functions and to hold them to account, rather than to involve themselves in day-to-day operational matters. In order for Committee members to have confidence that they are fulfilling their high level accountabilities it is essential that they have good quality, accurate and timely policy advice as well as information on service performance.

1.4 About the Committee *for* Health and Social Care

The Committee is led by its President, Deputy Heidi Soulsby. The members of the Committee are; Deputy Rob Prow, Deputy Dawn Tindall, Deputy Rhiannon Tooley and Deputy Emily Yerby. The Committee also has an independent member, Roger Allsopp OBE.

2 Understanding good governance

Good governance is not a simple concept. It has many elements and in government it is co-produced by elected politicians and civil servants working together. Neither group can deliver good governance without open dialogue and the active support and co-operation of the other. Good governance is developed, achieved and

maintained by the continual application of effort, self-awareness, mutual trust and mutual challenge.

Governance in government is not simple. Systems, structures and processes in both the public and private elements of public services are complex and messy and doubly so where sectors intersect, as in health and social care. Good decision-making processes are necessary, but not sufficient, to deliver good governance. It can be argued that too much focus on process is a distraction from the real, underlying barriers to good governance, namely behaviours that do not accord with the principles of good governance. Effective governance requires good leadership and management, shared understanding of roles and responsibilities and strong values.

When considering good governance, it is important to take a positive, not a negative approach. In many instances good governance goes unnoticed and unremarked for the simple reason that it is working well. On the other hand, problems in achieving good governance can absorb all our attention and energy. As a result of this tendency to focus on the negative, rather than the positive aspects of governance, we may miss opportunities to reflect on and learn from what is already working well.

Principles of good governance

- **Independence** of mind is demonstrated when Committee members inform themselves on any matter requiring their attention. It also requires members to ask questions, challenge their own and others preconceptions and rely on evidence and expert advice when making decisions.
- **Openness and transparency** is demonstrated when Committee members are willing to share all information about their work, including when that information might lead to criticism of the Committee, other than information about individuals or that relating to commercial transactions.
- **Accountability** in government is a complex issues and Committees will have multiple and, sometimes, conflicting accountabilities. An accountable Committee is conscious of this complexity and is willing to be held to account, takes account of the views of others and seeks to make amends when things go wrong.
- **Integrity** is demonstrated by consistency of moral and social values, sustained over time and in different contexts and this is clearly communicated to others. Leaders who act with integrity are not merely passively virtuous but are actively willing to speak up when things go wrong and to confront a lack of integrity on the part of others.
- **Clarity of purpose** requires an understanding of what is important, what is urgent and what is achievable. Clarity of purpose is demonstrated by a consistent focus on priorities and delivery of desired outcomes.

- **Effectiveness** is demonstrated when the Committee is able to make decisions in a timely way, mobilise resources to deliver priorities and monitor progress. An effective Committee is able to absorb new information, respond to changing circumstances and adapt to new ways of working.

These principles of good governance are widely recognised and accepted by politicians and civil servants. Problems arise as a result of the way in which the principles are interpreted and applied differently to everyday governance issues, by both Deputies and civil servants.

3 Methodology

3.1 Structured interviews

Confidential interviews were completed with all Committee members and four senior civil servants. Interviewees were asked to reflect on their own understanding of good governance, to assess themselves and the Committee on their current performance across six aspects of governance. They were also asked to consider which aspects of governance they were particularly proud of and the ones that gave them the greatest cause for concern. They were asked to rate current performance on a scale of 1 – 5, with 5 being ‘very good’. The results for each question are shown in the table below. The number of participants choosing each score on the scale is shown below the score. Not all participants offered a numerical score for each question. It is notable that Committee members and civil servants answered each question in broadly similar ways, suggesting a shared understanding of both which aspects of governance are working well and which need further attention.

The full questionnaire, with explanatory notes for interviewees, is attached in Appendix II.

a. Workshop

A workshop for participants was held in November 2018. The purpose of the workshop was to provide feedback to participants on the evidence gathered through the interviews, to identify and explore and other key issues and to discuss ways in which the governance of the Committee could be further strengthened.

4 Evidence

4.1 Analysis of interview responses

1 What does the term ‘good governance’ mean to you?

The answers suggest a good understanding of governance

- *Asking the right questions – and understanding the answers*
- *Clarity of purpose*
- *Empowering staff to do their best*
- *Constitutional arrangements which ensure that decision making is the best it can be within the democratic process*

2a To what extent do you think the Committee acts independently of external influences?

1	2	3	4	5
1	1	6	2	

The scores reflect some lack of confidence in the Committee’s ability to be independent, because of financial constraints.

- *We are quite mature in our approach*
- *We aren’t fazed by dealing with life or death issues*
- *Most decisions are affected by finance*
- *Financial constraints are limiting innovation and making us risk averse*
However, we can sometimes be creative, in spite of that

2b To what extent do you think the Committee acts in an open and transparent way?

1	2	3	4	5
		4	4	2

The scores reflect reasonable levels of confidence

- *We currently operate at 4 but aspire to 5*
- *Its hard to achieve transparency because the health and social care agenda is so complex*
- *It could be a 4 if we had better comms support*
- *Its difficult to be open when issues cross into clinical areas e.g. standards of care, because of confidentiality*
- *Transparency is hindered by the website because its hard to navigate*

2c To what extent do you think the Committee acts in an accountable way?

1	2	3	4	5
	1	5	4	

- **The scores suggest the Committee think they could do better, although they recognise the constraints of their roles.**
- *We are accountable to the most vulnerable*
- *Accountability rests on the structure of the States and other players, rather than on HSC alone*
- *We can feel accountable when making decisions but we can't really challenge on implementation*

2d To what extent do you think the Committee acts with integrity?

As a Committee?

1	2	3	4	5
			5	5

- **Consistently high scores reflect high levels of mutual trust and confidence**
- *We all have different ideas but we bring our integrity*
- *We can become a bit defensive – thinking about protecting our reputation*
- *Despite emotion and noise, we do use evidence to underpin our decisions*
- *We are always looking for the best outcomes*

As individuals?

1	2	3	4	5
	1		5	4

- **High scores indicate high levels of trust and confidence**
- *High expectations are internalised*
- *If our integrity was challenged, that would hurt*
- *We have different ideas but we all bring personal integrity – both politicians and civil servants*
- *I feel incredibly honoured to be working with these colleagues*
- *The President's leadership of the Committee is notably good*
- *The Committee is a high trust environment*

2e To what extent do you think the Committee demonstrates clarity of purpose?

1	2	3	4	5
	3	4	2	1

- **The wide spread of scores indicates divergent views**
- *External forces play a part in undermining clarity of purpose e.g. the Assisted Dying debate was not part of our Strategy*
- *We have done some good work, e.g. shaping the Partnership of Purpose but it still seems vague. We need to start translating it into real life changes*
- *HSC has a transformational programme, which provides clarity of purpose at a higher level but the machinery of Guernsey government throws up many issues*
- *There can be confusion over roles and responsibilities for delivery*

2f To what extent do you think the Committee is effective?

1	2	3	4	5
		5	4	1

- **High scores show some confidence but the narrative reflects frustration with barriers to effectiveness**
- *Timeliness is not a feature of Committee governance*
- *The complexity of the agenda means we don't have the time or the power to see things through, as we'd like to*
- *We are doing things on a shoestring with no spare capacity, so we have a big workload*

3 Support to HSC from civil service

1	2	3	4	5
			4	4

- **Consistently high scores indicate strong working relationships**
- *Officers are robust, although they are working at the limits of their capacity*
- *There are major gaps in Comms and the website isn't adequate*
- *HSC have only one Policy Officer but HA and Ed each have four*
- *I get the support and information I need. My other Committee isn't as well supported*

4 Engagement with patients, users and carers

1	2	3	4	5
	4	4	2	

- **Lower scores reflect some lack of confidence**
- *The States lack skills and capacity to engage effectively.*
- *We're not there yet – but Care Watch will help*
- *We did have some dialogue during the development of the Partnership of Purpose but now we need to engage further*
- *The intent is there but it's not done properly yet*
- *We are reactive but we're trying to be more proactive*

5 Engagement with the wider community

1	2	3	4	5
	4	4	2	

- **The spread of scores reflects expressed good intentions, rather than current performance**
- *We don't have the time or the bandwidth to make it happen*
- *We should focus on good news stories, rather than responding to bad news*
- *It's a work in progress and needs co-design and co-production*
- *We make a reasonable job of external engagement*

6 Engagement with partners

1	2	3	4	5
1	4	5		

- **Lower scores indicate broad recognition of serious shortcomings**
- *Engagement is poor – because of complexity and need to recognize them as partners*
- *We are not in good place because many independent players, e.g. GP and third sector*
- *Poor commissioning and contract management is an issue*
- *A lot of time and resource is spent arguing with MSG about delivery*

7 Engagement with other Committees

1	2	3	4	5
3	4	2	1	

- **Low scores indicate recognition of serious shortcomings**
- We don't have the capacity to let other people know what we are doing and why – both internally and across the States
- Its difficult to get engagement because of the Committee system, although other Committees do have roles in delivering the Partnership of Purpose
- There's no shared political oversight of all strategic objectives

8 To what extent does the Members' Code of Conduct support good governance

1	2	3	4	5
1	7	2		

Low scores reflect lack of confidence in the Code of Conduct as a mechanism for supporting good governance

- *The Code of Conduct can't be the centrepiece of good governance but does need to be there when things go wrong*
- *The panel is a bit toothless*
- *Personal integrity, peer pressure and public issues provide the right sort of checks and balances*
- *Induction training should cover ethics and values*

9 To what extent does the Code of Conduct for established staff support good governance

1	2	3	4	5
	2	6	2	

Scores reflect reasonable levels of confidence

- *Staff well managed and led*
- *Some issues not dealt with e.g. leaking documents*
- *'Cascade' can fail e.g. if line managers don't want some things said*
- *Executive and political structures are imbalanced*

10 Which achievements are you particularly proud of?

- *Working at a more strategic level*
- *Getting control of expenditure*
- *Organ donation – have been out to consultation on an 'opt out' scheme*
- *Partnership of Purpose*
- *Free contraception*

- *Reconfiguring maternity wards – closer to operating theatres*

11 What aspects of governance cause you most concern?

- *Not asking the right questions e.g. looked after children*
- *Decisions made and then business cases put together afterwards – seems the wrong way round*
- *Care homes regulation*
- *Lack of clarity about which decisions are political and which relate to process*

4.2 Workshop held 16th November 2018

Participants included Committee members and senior civil servants. The analysis of the interview responses was fed back to participants in order to test the extent to which they felt the responses were fair and valid and to identify any other issues arising from the interview questions.

Participants highlighted a number of issues in relation to the need to strengthen governance. These included:

- Capacity issues
- Bureaucracy acting as a barrier to implementation
- The complexities of commissioning and contracting
- The need for more focused priority setting
- The need for a common set of underpinning governance principles and values across the States

Participants identified some key actions required by the **Committee**, to strengthen their governance:

- Continue to build trust;
- Develop greater clarity about Committee's roles and responsibilities and distinguish between strategic and operational functions;
- Ensure shared understanding of clarity of purpose. Make it clear that purposes can change and evolve over time so there is a need to keep refreshing that understanding. That requires time for discussions;
- Further strengthen the consistency of approach by Committee to key challenges;
- Share understanding that complaints provide valuable data and should be viewed as an integral part of engagement;

- Ensure good information comes to the Committee in a timely way, including identification and measurement of risk;
- Ensure clarity about the 'right place to go', otherwise queries about operational issues will default to Deputies. Good governance should help to make the distinction between strategic and operational responsibilities clear;
- Explore how can they ensure they are asking the right questions, and;
- Strengthen engagement by moving from a reactive to proactive approach, including developing the role of partners in engagement.

Participants then identified some key actions required by the **States of Guernsey**, to strengthen governance:

- Develop States-wide understanding that governance needs to be consistent across States Committees. This makes governance a very important element of induction;
- Develop civil service confidence and capacity to provide both support and challenge, as appropriate;
- Enhance civil service political awareness and understanding through political skills training;
- Highlight the need for continuous development of governance knowledge in any leadership role;
- Offer development and support in such a way as to overcome potential reluctance of busy new members and returners to invest time in development of understanding of the changing landscape of governance, and;
- Avoid implication that the offer of development reflects criticism of their skills but focus on the way in which strengthened governance can be of benefit to all Deputies, whatever their roles and responsibilities.

4.3 Summary analysis

- **Principles of good governance**

The Committee understand the principles of good governance and seek to apply them to their work on the Committee. The Committee is also conscious of areas of

weakness, e.g. external engagement and the need to assume themselves that their decisions have been fully implemented.

- **Leadership**

Leadership is crucial to good governance. Essential elements of successful political leadership include the ability to continually seek knowledge, to develop trusting relationships and to empower others to fulfil their roles, to the best of their ability, for the benefit of the organisation and the people it serves². It was evident from interview responses and observation that the leadership provided by the President is exemplary. Committee members reported that she listened to them and respected their individual views and contributions while maintaining momentum in the work of the Committee. She actively supports the Committee to build good governance into their work and leads by example.

- **Managing the boundaries between the roles of Deputies and civil servants**

The Committee mandate (Red Book) is confusing in terms of where the boundaries lie between Committee and civil service responsibilities. It places the responsibility on Committees to 'oversee' delivery and also be accountable for the services that fall within their remit. However, it is evident that the Committee cannot, in practice, be responsible for delivery of services.

The Committee and civil servants manage what could be a contested boundary because they have strong working relationships. There is evidence of mutual trust and support across the Committee and between the Committee and the civil service³.⁴ The Committee also understands the importance of a focus on strategic issues and resists the temptation to be drawn into operation issues, whenever possible⁵.

5 Recommendations

5.1 Development

The key to future good governance and accountability lies in the way in which civil servants and deputies are supported and developed, to work together more effectively. A high degree of technical competence in a civil servant does not

² Binney, G., Wilke, G. and Williams, C. (2005) *Loving Leadership: A practical Guide for Ordinary Heroes*. Financial Times/Prentice Hall; 2nd Edition 2009

³ Nalbandian, J., (2006) *Politics and Administration in Local Government* *International Journal of Public Administration* 29, 1049-1063

⁴ Rayner, J., Williams, H., Lawton, A. & Allinson, C. (2011) *Public service ethos: developing a generic measure* *Journal of Public Administration Research and Theory*, Vol.21, Issue 1, pp 27 – 51.

⁵ Johnson, G., Scholes, K., & Whittington (2008) *Exploring corporate strategy: text and cases* (8th edn.) Harlow: FT Prentice Hall

automatically ensure integrity or transparency. A democratic mandate alone does not confer wisdom or effectiveness. The day-to-day pressures and challenges of democratic government mean that it is often hard to find shared thinking space for Members and civil servants to develop the mutual trust and confidence to respond effectively to those challenges. This project will provide that thinking space and provide a legacy of accessible and relevant development materials.

- Embed training on good governance and political skills in civil service training and development plans, and;
- Create a suite of materials for Deputies to help build a shared understanding of what constitutes good governance. The materials will be designed with the specific needs of new Deputies in mind, drawing on the skills and knowledge of current members but be available to all members as an everyday resource.

5.2 Improving clarity of roles and responsibilities

- Review and revise Committee mandates, in collaboration with Deputies to strengthen shared mutual understanding of respective roles and responsibilities.
- Review the quality, level and frequency of the information that is currently being reported to Committees to provide assurance about the services for which they are ultimately accountable. There are a number of different approaches to agreeing why, when and how information is provided to Committees and information needs will vary between Committees. However, a consistent set of principles should underpin those choices across the States.

5.3 Strengthening engagement

The States of Guernsey should develop a coherent and consistent strategy to support external engagement. This should include:

- **Engagement with individuals**

The States of Guernsey should develop a consistent approach to dealing with individual issues, particularly directing people to the appropriate head of service or complaints process to resolve issues, to reduce the risk of Deputies being drawn into detailed individual discussions.

- **Engagement with the wider community**

Community engagement should be a continuous, not an episodic set of activities. The focus of community engagement should be to ensure that Committees have access to a wide range of accurate data on users and residents needs and views.

Community engagement should also support co-production with residents by reducing dependency and involving them in service design and delivery wherever possible.

- **Engagement with partners**

Each Committee should review its relationships with partners to identify ways of increasing opportunities for collaboration in order to reduce costs and improve outcomes.

- **Engagement across the States**

P&R should lead a States-wide approach to identifying opportunities for Committees to work together on cross cutting issues where benefits could be gained by developing strategy and policy in partnership with other Committees.

Catherine Staite
Professor Emeritus
University of Birmingham

November 2018

Appendix I

Catherine Staite, LLB, MBA, ILM level 7 in Executive Coaching

**Emeritus Professor of Public Management, University of Birmingham
Fellow of the Royal Society of Arts**

Catherine Staite is an Emeritus Professor of Public Management at the University of Birmingham. She has undertaken executive and non-executive roles in a variety of organisations, including in the statutory and voluntary sectors, as well as the private sector. A lawyer by training, she worked in mental health and with criminal justice agencies and for the Audit Commission, before becoming an academic.

In 2011, Catherine joined the Institute of Local Government Studies, at the University of Birmingham, as Director. INLOGOV is a unique centre for learning and research, as it brings together both academic insight and practical knowledge to support political and managerial leaders. During her years at INLOGOV, Catherine focused her teaching and writing on leadership and governance, particularly in local government.

In 2016, she was awarded a Professorship in Public Management. In 2017, she stepped down as Director of INLOGOV. She now coaches political leaders and provides support to local and national government on organisational development, governance and leadership.

Previous roles include; Associate Director at the Audit Commission from 2001 to 2005 and Director of Policy at the Office for Public Management, a not-for-profit organisation, focusing on research and leadership development, from 2005 and 2011.

Non-executive roles include director of Rampton Special Hospital Authority, with responsibility for reviewing the continuing detention of patients and a member of the Board of Visitors at HMP Hull, with responsibility for the hospital wing.

During her years working in Birmingham, Catherine supported Birmingham City Council and the Mayor of the West Midlands in a number of advisory roles, including; Independent Member of Birmingham Strategic Leaders Forum for Children's Services, Independent Member of the Preventing Violence against Vulnerable People Board (BVVP) and Independent Member of the Steering Group of Birmingham Partners.

Appendix II

Dear Member

Thank you for agreeing to take part in this research project.

I have been asked by the States of Guernsey to explore the way in which governance currently operates. The aims of this action research project are to;

- Review how well governance is working now
- Explore how you think it could be improved and
- Recommend, and support the early implementation of changes which would strengthen governance and
- Develop a governance resource pack, with content designed by Members to provide information, support and guidance for new Members on good governance

HSC is acting as a 'test bed' for this project.

Methodology

- **Structured interviews**

I will be interviewing [] Committee members and [] of the civil servants who support you. The interviews are confidential and you will not be quoted in any reports or presentations. If you do say something which I feel would be of particular interest or value to other participants, I'll ask your permission to quote you. Your views and that of other interviewees will be reported in summary form.

- **Workshops**

Two, 2 hour workshops will be held, to test the extent to which there is a shared understanding of how well governance works now and how it could be improved.

Structured Interview Questions

Questions

2 What does the term 'good governance' mean to you?

3 **Principles of good governance:**

- Independence
- Openness and transparency
- Accountability
- Integrity
- Clarity of purpose
- Effectiveness

2a **To what extent do you think HSC operates independently of external influences?**

1	2	3	4	5

Examples of what works well and what you'd like to change

2b **To what extent do you think HSC operates in an open and transparent way?**

1	2	3	4	5

Examples of what works well and what you'd like to change

2c **To what extent do you think HSC is accountable?**

1	2	3	4	5

To whom are you accountable?

2d **To what extent do you think the HSC and its individual members act with integrity?**

As a Committee?

Examples of what works well and what you'd like to change

1	2	3	4	5

As individuals?

Examples of what works well and what you'd like to change

1	2	3	4	5

Examples of what works well and what you'd like to change

2e To what extent do you think the HSC has clarity of purpose?

1	2	3	4	5

Examples of what works well and what you'd like to change

2f To what extent do you think the HSC is effective?

1	2	3	4	5

Examples of what works well and what you'd like to change

4 To what extent do you think you receive good support from civil servants?

1	2	3	4	5

Examples of what works well and what you'd like to change.

5 To what extent do you think external engagement with patients and carers is effective?

1	2	3	4	5

Examples of what works well and what you'd like to change.

6 To what extent is engagement with the wider community effective?

1	2	3	4	5

Examples of what works well and what you'd like to change.

7 To what extent is engagement with partners, including providers, effective?

1	2	3	4	5

Examples of what works well and what you'd like to change.

8 To what extent is engagement with other committees and functions within the S of G effective?

1	2	3	4	5

Examples of what works well and what you'd like to change.

9 Which achievements are you particularly proud of?

10 What aspects of governance cause you most concern?

11 Is there any other aspect of governance that you'd like to explore?