



Association of Council  
Secretaries and Solicitors

*- Representing Monitoring Officers & Corporate Governance Managers -*

***Firing Up The Passion For Leadership:***  
***Developing Future Chief Executives***

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*- ACSeS : Championing Good Governance -*

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**The following organisations have contributed to this publication:**


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Birmingham City Council	Anthony Collins Solicitors	Law Society
Kent County Council	Bevan Brittan	Bar Council
Newcastle City Council	Dickinson Dees	St Philips Chambers
Worcester City Council	Eversheds	LBC Wise Counsel
Audit Commission	Standards for England	Averta Employment
Penna Consulting PLC	Centre for Public Scrutiny	Lawyers
	The Municipal Journal	



## **PREFACE**

I am delighted to launch this third A5 publication for ACSeS, which is part of ACSeS' highly successful "Firing up the Passion" series of publications. It continues from the second publication by profiling even more interesting articles on leadership and excellence within the Local Government and Legal Services. I am most grateful to all the authors and sponsors of this third publication, which will be launched at **ACSeS' First Leadership Summit** on board *HMS President* on 12 July 2010 (programme is overleaf).

The strategic intent for the Leadership Summit came from my passion to reverse the trend of the past few decades; i.e. fewer and fewer Chief Executives in local government are coming from legal backgrounds. Such backgrounds are essential for good governance and I am confident ACSeS' initiative will, over the next decade, develop a number of high calibre Chief Executives. I will, therefore, be doing my best to assist all those who attend the Leadership Summit and I am most grateful to the distinguished speakers and sponsors of the Summit: **The Law Society; Anthony Collins Solicitors; Bevan Brittan; Dickinson Dees and St Philips Chambers.**

As for this third publication, I am confident it will add value to Local Government and will be read by, amongst others, Leaders and Chief Executives of English and Welsh Local Authorities, major Government Departments that work with local government, and other major stakeholders, movers and shakers dealing with local governance issues.

I am confident the second publication is bound to assist the new Government with, for example, ideas on how to translate the general power of competence for local government and I am optimistic this third publication will help the Government to deliver its objectives on devolving further powers and functions from Central to Local Government. ACSeS, therefore, stands ready to assist the Government.

Looking to the future, the next A5 ACSeS publication will be launched at the ACSeS Annual Conference, which is being held at The Belfry on 16 – 18<sup>th</sup> November 2010. If you wish to write an article for the next publication or wish to contribute, sponsor, take part or otherwise wish to know more about the Annual Conference, please contact me.

I continue to gain great pleasure from compiling this "Firing up the Passion" series of publications for ACSeS and I hope that you obtain similar pleasure when reading them. Feedback on this latest publication is encouraged and most appreciated. Thanks.



## ***- ACSeS' FIRST LEADERSHIP SUMMIT - DEVELOPING FUTURE CHIEF EXECUTIVES***

***@ HMS President, moored near Blackfriars Bridge, London,***

***Programme – Monday 12<sup>th</sup> July 2010***

*This Leadership Summit is dedicated to providing Directors of Legal and other Departments (including their Deputies) with the necessary skills essential for career progression to posts of Chief Executive.*

- |       |   |
|-------|---|
| 09.30 | • <b>Registration and networking opportunity</b>  |
| 10.00 | • <b>ACSeS President's welcome &amp; introductory remarks</b>   |
| 10.10 | • <b>Keynote speaker on Leadership &amp; the Chief Executive role:</b><br><i>Professor John Benington</i> of Warwick Business School on the leadership imperative for the public sector over the next decade and beyond, including place shaping and with a focus on its impact for lawyer chief executives.  |
| 10.45 | • <b>Leadership perspectives on CX role from key politicians:</b><br><i>Sir Steve Bullock</i> , Mayor of Lewisham, <i>Cllr Mike Jones</i> , Leader of the new Cheshire West & Chester Council & a leadership perspective from The Centre for Public Scrutiny ( <i>Jessica Crowe</i> )   |
| 11.30 | • <b>Leadership perspectives on CX role from key Executive Search &amp; Recruitment specialists:</b><br><i>Hamish Davidson</i> (formerly of Rockpools), <i>Julie Towers</i> (Chief Executive of Tribal Resourcing) & <i>Martin Tucker</i> (Lead Partner of Gatenby Sanderson) on the changing skills set for Chief Executives and how top lawyers need to develop for the next decade and beyond. |
| 12.15 | • <b>Panel discussion</b> – to include speakers from morning session  |
| 12.45 | • <b>Lunch</b> ( <i>plus special surprise event for first 20 delegates</i> )  |
| 1:45  | • <b>Leadership perspectives from lawyer Chief Executives:</b><br><i>Ged Curran</i> , Chief Executive of the LB of Merton;<br>& <i>John Polychronakis</i> , Chief Executive of Dudley MBC   |
| 2.30  | • <b>Leadership perspectives from beyond the Local Authority:</b><br><i>Olwen Dutton</i> (Chief Executive, West Midlands Leadership Board);<br>& <i>Clive Grace</i> (Chair, Local Better Regulation Office)   |
| 3.00  | • <b>Tea</b>  |
| 3.15  | • <b>Nurturing future Chief Executives - It starts with you!</b><br><i>Oliver Nyumbu</i> (Chief Executive of Caret) on key steps towards a planned approach to success & <i>Jonathan Perks</i> (Managing Director of Penna PLC) on developing and focussing future CEOs   |
| 3.45  | • <b>Panel discussion</b> – to include all available speakers & chaired by <i>Mike Burton</i> , Editor of MJ.   |
| 4.15  | • <b>ACSeS President's concluding remarks</b>   |
| 4.30  | • <b>Close &amp; networking opportunity</b>   |



***- ACSeS : Championing Good Governance -***



## ***Leadership in Local Government***

Local government is entering a difficult period. A decade of high spending has come to an end. Clear leadership by councillors and chief officers will be essential if we are to navigate our way through the inevitable need to prioritise spending and deliver yet more efficiencies. Leadership in local government is for the most part just like leadership in other spheres. It requires the same skills but there are three exceptions.

**Firstly**, roles are more complex because politicians and officers have different responsibilities and act as a check and a balance for each other.

**Secondly**, working in local government requires a public service ethos. It isn't about making a profit or satisfying a Board because the over-riding concern is to deliver high quality services at a reasonable cost both to the tax payer and to the service purchaser – at the same time as giving the necessary help to vulnerable people and to those on low incomes, thus making social inclusion a reality.

**Thirdly**, almost everything we do in local government is rightly done in public. Managing decision-making in a goldfish bowl can be taxing at the best of times. You need to be able to manage pressure.

Good leaders have a clear vision and can communicate that vision to colleagues. Good leaders must then empower their staff to deliver it. That requires the ability to delegate but also to know when to intervene if delegation fails.

Leaders must naturally command respect from staff at all levels as someone who understands what they are doing and why they are doing it. Good leaders initiate and deliver change and transformation by understanding the job that needs to be done. Through their leadership they generate trust.

### **Key Questions**

Those aspiring to be chief executives need to ask themselves a question – why do I want to be the head of the paid service? Is it just career progression to the top job for the sake of being seen to be successful? Or is it about achieving the means to deliver strategic policy objectives you feel strongly about?

Everyone needs to have ambition to make a success of a senior job but without a burning ambition to make a positive difference in key policy areas, no chief executive will be outstanding. It's the same with politicians. Councillors can get elected but it's those who want to change things who are the most successful.

## **The Change Agenda**

Change is now firmly on the agenda in a way we have not experienced for a generation. At the general election, Labour lost nearly a hundred seats. That wasn't a vote of confidence from the electorate so it is hard to see how they could have stayed in government and they decided not to try. Indeed, they seem to prefer someone else to get the blame for the deficit they created and for the consequential budget reductions the public sector now faces.

In any case, many of the reforms the country wants are problems Labour had caused. This isn't just about the recession and the debt mountain. Labour eroded civil liberties, created a quango state, and centralised decision making. We must reverse this trend and return powers to individuals and localities.

## **Sharing Power and Working Together**

For Liberal Democrats, being in continuous opposition nationally did not permit us to lead change so I want the opportunities now open to us through the coalition to be grasped. For us, entering coalition means sharing power in a government with Conservative colleagues who have many similar instincts on the environment, civil liberties and constitutional reform. Many senior Liberal Democrats and Conservatives have acknowledged that the coalition programme is much stronger because two parties are leading it.

So now we find ourselves actually running Whitehall departments. For a council leader, this matters. I've ministers I can talk to. I can see Lib Dem priorities becoming realities. I can see local government being freed from its over-centralisation. I can see constitutional change – and, hopefully, proportional representation in local government.

I find it refreshing that two parties can work side-by-side in the national interest to implement a programme of reform. Politicians still have a poor reputation. The coalition can help to restore public confidence in Parliament as an institution.

I was much encouraged by the Queen's Speech. No, I don't like elected police commissioners and nor do I want an elected mayor in our city. Both run counter to our wish to devolve and decentralise so I find it odd that the Government thinks that concentrating power in a single person would enhance democracy. I prefer collaborative leadership in local government.

But elsewhere there is much for councils to cheer such as:

- a power of general competence
- a more local planning system
- new powers to prevent the closure of neighbourhood facilities and services
- reductions in the scale of local government inspections

I welcome the confidence with which our party took the plunge into coalition. With coalition comes responsibility and there are four major policy areas where strong leadership is going to be needed over the next five years. Aspiring chief executives are going to need to be able to lead on all of them.

### ***The first is the ability to protect service delivery in the face of major budget cuts.***

Whichever party had won the election, cuts in spending would have been necessary as the Chancellor of the Exchequer made clear during the election campaign. It's comparatively easy to be successful when there's plenty of money available. It's much more difficult when cash is tight. An ability to prioritise through consensus is required. Financial and diplomatic skills will be paramount along with a good grasp of risk management. Chief executives must 'understand the business' otherwise they will find

the going tough when hard decisions need to be made. Transforming the way councils work to reduce internal overheads must be their starting point.

***The second relates to place-based budgeting.*** Chief executives of local councils will find themselves in a leading position in the search for savings across the public sector. Cutting overheads through joint working and reduction in procurement costs are all essential. It sounds easier than it will be but the public has a right to expect that those who tax them will reduce the costs of running services across the public sector. Total Place will become totally essential otherwise service delivery could suffer major dislocation.

***The third is about mitigating the impact of the recession in both the short and long term.*** The biggest single challenge for local leaders is to make sure we don't create another generation of young unemployed. That's why training and particularly the recently announced fifty thousand apprenticeships matter so much. Secure long-term jobs though are what are needed and local leaders must be able to spot the opportunities for creating future jobs in sectors which can expand. This is particularly about manufacturing, engineering and green jobs. Ask yourself what your area can offer that is specialist or unique to our economy. Identify it and then build on it. 'Me too' competition will get you only so far. You will achieve much more with your area branded as a place with specialist skills.

***The fourth relates to decentralisation and neighbourhood empowerment.*** Read the coalition agreement and see the number of references to involving people in decision-making about their neighbourhoods. Planning is one crucial area amongst others set for change yet officers tend to think in terms of their directorates whereas councillors and the general public tend to think in terms of place. Councillors are charged with leadership in their ward. To enable them to deliver will require a major mind-set change by officers used to centralised operational and budgetary systems.

***Overall, our challenge in local government is to keep adapting to the new financial climate*** without losing any momentum in delivering the big priorities which are vital to the future.

In particular we must continue to focus on economic recovery and the impact this has on jobs, debt, poverty and health and well-being. A strong economy means that more people can help themselves and fewer are reliant on council services. This means that we can target our resources at those who need them most.

We know that we cannot continue to adapt and change without involving and engaging our own employees. Staff make a huge contribution and we can learn from their experience in providing services to the public. We must actively plan our workforce needs for the future, and invest in learning and development to help staff to re-skill and continue to play an important part in our councils' future.

## No.1 for Local Government

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Chambers & Partners, a guide to the UK legal profession 2009

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Penna



## ***Developing and Focussing Future Chief Executives***

I have fortunately been led by and coached some highly inspirational CEOs and leaders for over 30 years in both the Army and business. Equally I have made some questionable leadership decisions and seen far too many ineffective leaders and over-controlling managers. Here are the **top 8 qualities** I believe CEOs will need over the next 5 years: wisdom; living your life on purpose; strong values and beliefs; emotional intelligence; servant leadership; appreciation; love and inspiration; personal power and presence.

The factors driving a need for enhanced leadership skills in CEOs are our ever more manic, stressful society with continual cost-cutting creating far flatter management structures. The thirst by CEOs for personalised, on-the-job leadership development and a far clearer sense of meaning and purpose also highlights the financial value of increased levels of engagement. Global recession and the recent political turmoil have provided clear lessons about the future of leadership. Some CEOs have thrived and others have been found wanting.

The UK voters and the most committed employees in the Sunday Times top 100 best companies to work for have sent a clear message. For those who are prepared to listen, their demand is for leaders and CEOs who have ethics, integrity, vitality, passion, trustworthiness and that special X Factor. ***In both the public and private sectors people want challenging, strong CEOs who have the courage to use tough love to tackle toxic behaviour, organisational terrorists and under-performance.***

**Top Tips :** Here are some tips for both existing and aspiring CEOs. ***Acquire wisdom fast;*** you don't have enough time to make all the mistakes that many of the worst and the best CEOs have already made. The differentiator is that the best CEOs learn and take action from their blunders. Spend time listening to and learning from such wise mentors. Carefully pick the leaders with whom you wish to work and connect. ***Select a leadership coach*** who will support, challenge and inspire you. Your coach is the catalyst. You are fully accountable for your own change. Depending on your commitment, then your learning and acquired wisdom are optional.

***Do the work you love and love the work you do;*** anything less is a sad compromise. As the CEO ask yourself the big questions that won't go away. What and who are you here to serve, what are your unique gifts and talents? Identify these fundamental leadership building blocks through your own reflection, 360 feedback and self-awareness psychometrics. When you have honed and clarified your life purpose, then live it fully and authentically. Hence you will be happily successful as a CEO and attract the best talent who will actively seek to work for you and create even more success for your organisation.

***Live your life by a set of clear values and beliefs;*** it acts as your metaphorical true north as you chart uncertain recessionary times. It gives your team vital confidence and trust in you and a level of encouragement, when so much is uncertain, unstable and changing. CEOs with high levels of integrity and ethics make sustainable, financial business sense. The financial crash revealed that those CEOs who stand for nothing fall for everything. The austerity drive by the Government will need courage from CEOs in the Public Sector to display their clear values and beliefs and live by them, even if it means making highly unpopular decisions to achieve the best for the UK.

**Emotional Intelligence (EI) is a key skill for CEOs** to weather tough times and eventually thrive in the good times. It is not good enough to just be technically clever, you have to be emotionally literate to read and manage yourself, others and your organisation's politics in a chaotic economy. The leaders who get their staff to willingly follow them in these recessionary times have developed high levels of EI, with their coach's support. What does this mean in practical terms?

They know themselves well, can express their feelings in a non destructive way, show their humanity and yet also make their requirements very clear. They read their teams well, can intuitively detect resistance and reservation and listen to concerns and solutions. **Developing a skill in handling stress and change is essential.** With that comes the need as CEO to control your impatience and impulsiveness which can lead to rash and hasty responses with long term consequences. High levels of EI help you as CEOs to read and respond appropriately to the politics and reality of the situation. Finally as CEOs you cast a long shadow as a leader and need to have high levels of optimism and happiness. This allows you to attract our followers to willingly go with you on what will be a long and dangerous stormy journey. Some people will not survive the storms.

**"Serve to lead"** remains the motto of officer training at the Royal Military Academy where I instructed. It is no accidental quality; it was forged in the toughest leadership situations. Business is also a battleground. CEOs require an attitude of humble excellence, service and willing support for those you lead; there is no room for arrogance. Leadership is a choice; both for you and others to willingly commit to follow you. Some naturally have leadership charisma and talent which can be enhanced. Authenticity and personal example are vital. There is no quick leadership fix and followers are too perceptive to follow phoney CEOs for long.

**Appreciation is about valuing what you already have;** both your own skills and talents and those of the people you are entrusted to lead. Ensure you really know what motivates and inspires them. Why do they come to work, what are their passions and the proudest moments in their life? Catch people doing things right and then publically appreciate what you value about their behaviour. Have an **attitude of genuine gratitude and thanks for other's contributions.** Don't inauthentically pump people up. They hate hollow flattery and you completely lose trustworthiness.

Love and inspiration come from CEOs who enjoy leading people to success. Equally it is created from followers who love to be well lead by caring, inspirational leaders devoid of selfish and greedy ulterior motives. Love is rarely spoken of in business, yet it is an energy and force that drives and motivates ordinary people to achieve extraordinary results. We give huge discretionary life energy in service of fair, kind and thoughtful CEOs who also have the courage to challenge.

We want to be truly seen as humans, understood and valued for who we are and our unique talents. **We are individuals, not just "resources"**. Treat us like we are the only person in the room when you are with us. Strong CEOs leave such a lasting, positive impression that you as another person matters. Be completely present with each person you are with. Really listen to them with a deep level of attention and connect with their eyes. That is the foundation of true motivational leadership and it makes our jobs worth doing and our lives more deeply fulfilling.

**Concluding questions and reflections:** So how would you compare to the finest CEOs that I have met? What is it that you could learn by way of leadership mentoring from them? What are your unique talents that make you so unusual and differentiate you from the crowd?

Reflect on what you can do to bring more passion and inspiration to your followers who watch you anxiously in these tough times that we are going through. This storm will last for the next 5 to 10 years. Consider how you can **make yourself fit enough to survive and thrive.** This requirement covers your emotional, social, physical and mental fitness. Give yourself strategic thinking time with your leadership coach and trusted advisor to focus on the few things that matter most. **Always ask yourself, "Where can I focus my efforts every day to add most value as the CEO?"**

**Jonathan Perks MBE** is the CEO's Leadership Coach at Penna PLC. He is an author and inspirational speaker who brings his wealth of experience as an Officer in the British Army and as a Managing Director on a PLC Executive Board to coaching and challenging top international leaders and teams. Clients include: HSBC, KPMG, Asda, Cambridge University, Barclays, Rio Tinto, Local Authorities, McDonalds, PwC, RBS, Eversheds, Macquarie Bank, DWP, Scottish Power, Department of Health, Northern Foods, Pearl & IBM.



## ***Ethical Leadership***

Leadership has many facets and can be displayed in a variety of ways. It is difficult to prescribe an exact recipe which always leads to effective leadership. But, in the case of 'ethical leadership', a number of strands are evident.

We know, from research in both the private and public sector, that an organisation's general leadership and its standards of conduct are closely interlinked, with leaders playing a vital role in setting the tone and behavioural values of an organisation – whether positively or negatively.

But in the world of modern local government no one person alone can be responsible for providing the kind of measured, open and accountable guidance required for positive ethical leadership on an ongoing basis.

### **Authentic and Charismatic Leadership**

There has also been much work in recent years focusing on models of *transformational* leadership, whereby 'charismatic' leaders make a show of strong ethical leadership. There can be a variety of motives for this on a spectrum ranging from self-interested ends (i.e. those seeking glory, personal power or individual financial reward), to an authentic sense of morality (i.e. individuals who ignore the self and are concerned with transforming the organisation). Too often, leaders are defined as 'Super-persons' when, in practice, we need a system which allows ordinary players to achieve extraordinary results.

Research on behalf of Standards for England<sup>1</sup> has shown that, while there is occasionally a place in the local government system for such a 'transformational' leader (perhaps after a clear breakdown in ethical standards), as a rule this model is often unrealistic, not self-sustaining and is something to learn from rather than seek to replicate in all circumstances. In addition to this there are simply not enough 'transformational leaders' to populate every English local authority.

### **“The Virtuous Circle”**

Perhaps ***a more realistic approach*** to leadership in today's council is to create a 'virtuous circle'. By this I mean a band of often mutually reinforcing factors that can effectively provide and nourish the complex network of responsibilities and relationships needed to support and sustain good standards of conduct within a local authority.

The key elements needed to create this 'virtuous circle' include party groups which are explicitly committed to upholding standards; a culture of transparency and a commitment to open and honest working relations; and a strong identification by individuals with the council and locality .

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<sup>1</sup> Cowell, et al. *Assessing the Impact and Effectiveness of the Ethical Framework in Local Government in England*. Centre for Local and Regional Government Research, Cardiff University, 2009. <http://www.standardsforengland.gov.uk/Resources/Research>

Another essential aspect of the 'virtuous circle' is its reliance upon the participation of key individuals who are able to act as ethical bulwarks to ensure the fostering of high standards.

With this in mind it is absolutely vital that these key individuals include a strong and well-respected Monitoring Officer, supportive leadership and personal commitment from a Chief Executive, and political leaders who are role models actively persuading and encouraging others to maintain high standards. It must also include a strong and well-respected standards committee which is seen as impartial from the political processes.

It is these individuals – the political, the managerial and the increasingly self-confident standards committee - who are the 'ethical leaders' and form the 'three pillars' of strong ethical architecture within a local authority setting.

When the three pillars stand together the local authority can deliver ethical values well, be run efficiently and avoid the problems which some councils have encountered. There is no mystery or elusive solution to ethical standards; rather, relentless adherence by key players to ethical values sets the virtuous circle in motion.

If this structure fails or is absent, standards matters can become costly, distracting from the authority's core business and, inevitably, becomes time consuming.

### **What is the role of the Chief Executive within the 'three pillars'?**

Primarily the Chief Executive should set the tone about appropriate behaviour within a local authority environment. This does not mean simply ensuring that people stick with the letter of the rules. The MP expenses scandal has clearly shown the limitations of simply having rules to obey. Instead, leadership at Chief Executive-level is about going above and beyond simple statutory obligations to foster the spirit and principles of good ethical governance throughout the organisation. In this context, Chief Executives must display personal behaviour beyond reproach, conducting themselves with integrity, transparency and clarity at all times - this will in turn encourage good behaviour and trust among others.

***Political leaders also have key influence.*** This could include having a quiet word with members whose behaviour is "sailing close to the wind" and giving them the opportunity to improve, and working informally to resolve complaints or dissipate tensions. Councils defined by good conduct usually have political leaders who encourage a broadly positive, open and collaborative political style.

In contrast, Chief Executives have their own concerns - particularly remaining apolitical and 'principled' whilst being buffeted by politics. Solid dependability and unequivocal support for the ethical structures already in place is what Chief Executives bring to the party.

### **Where do the standards committee and Independent Chairs come in to the ethical leadership mix?**

A central pillar of ethical leadership is the standards committee, led by its independent Chair. The role of the committee is to ensure the local success of the ethical framework for which Standards for England are 'stewards'. In short, the framework is the embodiment of ethical standards and the standards committee is its local figurehead.

Whilst its role varies from authority to authority, what we are seeing across the country are increasingly self-confident standards committees. For the standards committee to flourish in the ethical landscape there must be an effective independent Chair with the confidence and trust of the other pillars.

In some councils, assurance by the committee is given by purely fulfilling a legal role, largely around case-handling, but with an increasingly sure touch, while in others it is shifting from being a simple watchdog to a leader of ethical debate.

With standards committees growing in confidence, Monitoring Officers may begin to see their role change. They continue to be central to the work of the standards committee. But as time passes, the committee may be doing as much supporting of the Monitoring Officer as the Monitoring Officer is doing to support the committee, with non-elected members and independent chairs acting with genuine authority.

In the past, the position of the standards committee, often being separate from the normal council activities, risked leaving it left out on a limb. However, the most successful committees are now creating a network of relationships with other important local actors.

In many ways, the Chair faces similar difficulties to those of Chief Executives – both are unelected and apolitical by statute, yet both have to navigate politically deep and choppy waters. As with the Chief Executive, there is the danger of the Chair exceeding their remit without the consensus of other key actors. Their role, therefore, requires much skill.

On the one hand, we have seen occasions of unelected Chairs exceeding their statutory role and causing resentment among political leaders with electoral mandates. In one example, the Chair attended council meetings uninvited and, upon seeing what was considered misconduct, started proceedings against individuals. This annoyed political leaders who felt it to be an unwelcome intrusion, having not previously agreed to be scrutinised in this way.

There is also the possibility of a Chair working strictly within the rules but in a way that is seen as inappropriate. On one occasion, the Chair used their casting vote to recommend the allocation of Council money to address ethical government issues. This was despite all the elected members voting against the proposal and objecting to an unelected person having influence over spending. The proposal was subsequently rejected unanimously at full council and the incident led to some public debate.

In both these cases - rather than acting as lubricant to an authority's ethical machinery - independent Chairs acted more as a spanner, antagonising politicians and giving Monitoring Officers far more work simply to repair the damage.

On the other hand, there are a number of authorities where the Chair has carved out a clearly defined and respected role. In many cases, the Chair is recognised as an astute political actor but is respected nonetheless. In one example, although working within remit, the Chair has established a great deal of rapport within the authority, and he has built sustainable relationships with not only the Monitoring Officer, but also party whips and the Chief Executive.

In another case, the Chair has expanded the remit of the standards committee by introducing a requirement for members to hand-in regular accounts of gifts and hospitality. This has been facilitated by the Chair building strong networks with other

leaders and carrying the argument that this is a proactive way of displaying transparency and accountability throughout the authority.

In both examples, there has been sustained support for the Chair by the Chief Executive and - in the second case - the Chief Executive often presents specific reports from the standards committee to senior management meetings. ***It is important, therefore, to have a proactive Chair but one who is aware of the limitations of their role.*** Their primary function is to foster an ethical leadership network and increase the visibility of ethical issues whilst remaining independent.

There is some evidence that this is happening. In 2008-9, a third (35%) of independent Chairs addressed a full authority meeting. By 2009-10, this had increased to half (51%)<sup>1</sup>. This improved stature is timely because one of the recommendations to come out of Standards for England's recent review of the local standards framework is the development of a greater role for the Chair.

In that review we advocated the Chair be given responsibility to assess allegations of breaches of the Code of Conduct swiftly and decide whether further action is needed. We argued that this is a much more proportionate approach as decisions can be made a great deal quicker and without the need of a full committee meeting, giving an earlier and more commensurate opportunity to filter out allegations that do not need to be carried forward. But it would rely on an independent Chair of high standing in the authority – and this requires support from other key actors.

### **So what does positive ethical leadership mean in a local authority context?**

In a local government context, our research has shown that authorities performing well are united by open lines of communication, both internally between managers and councillors, and externally with parishes. The emphasis is on ***all 'three pillars'*** – the Chief Executive, political leaders and the standards committee led by the independent Chair – working together to promote good ethical leadership by both word and deed.

The Chief Executive and independent Chair, both being apolitical but charting difficult and sometimes turbulent political waters, must work closely with political leaders to foster a culture of mutual respect and good behaviour.

As the ethical standard bearer in local authorities, standards committees should be well respected, and we are seeing them become increasingly confident across the country – whether it is fulfilling their statutory function with greater assurance or expanding their remit to new areas of ethical oversight. Both roles require a skilled independent Chair but, perhaps more importantly, need the constant support and help of senior officers.

*Standards for England (SfE) was established by the Local Government Act 2000 and works with local authorities, their monitoring officers and standards committees to promote high standards of conduct in local government.*

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<sup>1</sup> Data collected from Standards for England Monitoring Officers' Annual Returns. 2009 Data 2010 data not yet published.



## ***Ethical governance matters ...***

### **Introduction**

The recent events in Parliament over MPs expenses and the reaction of the public show that ethical governance does matter. High standards of behaviour by public officials, whether elected or appointed, are an important foundation for a democratic society.

Confidence in local democracy is essential to our way of life. It can only be achieved in the community when citizens can see local authority leaders living up to the high standards the public has the right to expect of them. Setting high ethical standards is an important building block for local authorities when developing their community leadership role and improving their services. Local authorities are also becoming involved in increasingly complex partnerships and poor ethical standards may adversely affect these arrangements.

The Audit Commission, under the leadership of Gareth Davies, Managing Director, Local Government, Housing and Community Safety, is committed to promoting high standards of governance and accountability in local public bodies and partnerships. One of the ways we have been showing our commitment is by extending the range and use of our governance tools.

For example, we have used our ethical governance diagnostic with over fifty local authorities. The diagnostic is part of our suite of governance tools. This diagnostic reveals that, although local authorities are managing the ethical agenda well, there are some areas that require greater focus and activity.

### **Background, purpose and response to our diagnostic**

Our Ethical Governance diagnostic is based on the requirements of the Local Government Act 2000, Part 3 and the Local Government and Public Involvement in Health Act 2007. Our diagnostic aims to help local authorities to

- understand better the key ethical governance issues they are facing;
- assess and then drive up their ethical governance arrangements; and
- focus on key actions to drive up their performance.

It includes an online self-assessment SNAP survey, a comprehensive audit and workshops. By May 2009, the ethical governance survey had been completed by 4,966 individual members and senior officers from 59 local authorities. In all, over 100 local authorities in England have used at least one part of our diagnostic.

Although the survey findings are encouraging, they also pinpoint areas where more work and clarity is needed. In particular the findings suggest that some members and officers could be helped to develop a better understanding of ethical governance. Members and officers can see things differently. To take just one example, members are far more likely than officers to think that communication between them and officers is open.

## Detailed findings of the survey in 3 key areas

### **(a) High standards and good behaviour**

Our findings show that most local authorities have a positive approach to the ethical governance agenda but there is room to improve. Most members (84%) and officers (76%) consider their organisation's efforts to drive up ethical standards are encouraging proper behaviour. Around nine in ten members report that members 'always or usually':

- show respect to and treat fairly all people who use organisation services;
- show respect to and treat all officers fairly and do not discriminate unlawfully; and
- use public funds, the organisation's property and facilities responsibly.

Around eight in ten members and seven in ten officers consider the leader of their organisation is a positive role model for ethical behaviour (78% and 73% respectively). Similar proportions say the same about their chief executive.

### **(b) Roles, responsibilities and relationships**

Survey results suggest that greater communication about the ethical framework and a wider understanding of each other's roles would strengthen member and officer working and improve delivery of the ethical agenda.

Most members (92%) believe they understand their role and responsibilities under the ethical framework. However, fewer than three-quarters of officers (72%) say they understand their own role under the framework. Almost all members (91%) are positive about the guidance they receive about their personal conduct, whereas one in five officers (21%) think the guidelines that members receive on personal conduct are not clear.

Nearly all members (96%) are aware of the members' code of conduct, only just over three-quarters (79%) of senior officers are aware of the code. Officers and members often differ in their opinions of the degree of open communication and trust between them. Over three-quarters of members (78%) believe member-officer communication is open. That compares to just two-thirds of officers (64%) who believe this is so. Members (70%) are also far more positive than officers (51%) about the levels of trust that exist between members and officers.

More appropriate training, guidance and information could provide a solution. For example, less than seven in ten members (69%) and four in ten senior officers (39%) consider members receive suitable training on issues of conduct. Officers could also benefit from more clarity about their own ethical responsibilities. For example, over a third (36%) of the officers surveyed are not sure what to do if they become aware of conduct by a member that could result in failure to comply with the member code of conduct.

### **(c) Communication, clarity and culture**

Encouragingly, most members and officers (78% and 83% respectively) consider the way their organisation deals with complaints against members is clearly communicated.

Other findings in this area include: eight in ten members (80%) say the importance of high ethical standards is communicated to them. More than half (57%) of members say the importance of high ethical standards is communicated to local communities, but a significant percentage (29%) of officers do not know if this is done. More than half of officers (53%) say they 'don't know' whether the public can easily access the register of members' interests.

Nearly one-third of members (29%) don't know if their organisation has a whistle-blowing policy. Just over a tenth (11%) of senior officers surveyed don't know either. Less than two-thirds (60%) of members have received training, guidance or information on equalities or human rights legislation.

### **Moving forward & the killer questions**

The survey results highlight key areas that many local authorities will actively want to address to meet fully their ethical agenda. Local authorities that have used our ethical governance toolkit have found it helps to highlight the ethical governance issues they are facing and it provides clarity about what to do next.

Individual local authorities can use the results in this article as a starting point for reflection and action. Among the most important questions for you, in your role, could be:

- What do these survey results mean for **your** individual authority?
- How does **your** authority compare with the overall picture?
- What are the strengths and weaknesses of **your** authority?
- What improvements, including improvements to training and guidance for members and officers, should **your** authority be making?
- How can **your** authority ensure more effective communication about the ethical agenda, including to the wider community?

### **Our governance toolkits**

We believe local authorities have the tools for success and we must continue to help you to use them.

- [Ethical governance diagnostic](#): Assesses ethical governance arrangements in organisation covered by the Local government Act 2000 - local government, police, fire and rescue and parks authorities and Greater London Authority using a survey, diagnostic and workshops.
- [Good Governance Standard](#): Supports improvement by assessing governance of an organisation or partnership using a survey, diagnostic and workshops. Based on the [Good Governance Standard for Public Services \(external PDF\)](#) is aligned with CIPFA/SOLACE's Annual Governance Statement for local government.
- [Governance of equalities, diversity and human rights](#): The Audit Commission has a strong commitment to promoting high standards of governance in relation to equalities, diversity and human rights, and to helping public bodies to deliver improvements for diverse groups. The diagnostic is a set of tools designed to help local public bodies, including public partnerships, health, and police to assess how well good governance is delivering improvements for diverse groups within their communities.
- [Changing Organisational Cultures](#); Raises fraud awareness within client organisations through a survey and workshops.
- [Your Business @ Risk](#): Helps clients to review their exposure to IT risk raising their awareness of risks associated with IT, gauging awareness among members of staff, benchmarking themselves against others, highlighting areas where they need to improve and allowing them to measure their progress over time.
- [Governance of risk](#): 'Risk it to make it' is based on tried and tested frameworks devised by HM Treasury and contains information on what represents excellent and strongly improving performance through integrated risk management.

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**History:**

The Association was formed in 1996 arising from the merger of the Association of District Secretaries and the Society of County Secretaries. ACSeS became a Company Limited by Guarantee in November 2007.

**Membership:**

Membership is open to local government officers heading up governance, legal services, democratic services, administrative, scrutiny and standards functions, including monitoring officers and their deputies. Associate and international membership classes were introduced in 2008. Members are drawn from County, District and Unitary Councils, Police and Fire and Civil Defence Authorities, National Park and other joint committees and Regional Development Agencies.

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**A membership organisation:**

For chief officers and deputies of principal local authorities in England and Wales responsible for managing legal and administrative functions. Most members are statutory monitoring officers or deputies for their authorities having responsibility for corporate governance.

**A professional body:**

Providing training and networking to ensure the highest standards and skills are developed and maintained by its members.

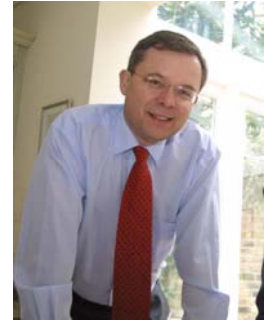
**A stakeholder in local government:**

Working with Government Departments, Agencies and local government organisations for improvement and best practice development.

**A stakeholder in the legal profession:**

Striving to maintain and improve professional standards in local government legal practice and to ensure the availability of qualified and trained legal resources.

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### ***Beyond Total Place***

The state of public finances and the tough Budget, on 22 June 2010, raise the question as to how radical public sector senior executives will be in coping with sharply reduced income. The mantra so far has been: ***'don't salami-slice, transform the way you manage services.'***

This is easily said than done especially as the onus is on savings now, not tomorrow. There is strong pressure to avoid redundancies, not necessarily on grounds of compassion, but because pay-outs negate any cost savings made in the short-term. A similar problem arises with transformational agendas, as these are also more long-term.

A likely scenario will be immediate cuts to meet reduced grant funding coupled with long-term transformation. The latter will require a far greater level of joint working and shared services than currently exist. It will also necessitate some transformational thinking in Whitehall. Up until recently this was all wrapped up in the shorthand phrase Total Place.

As the dust has settled in the past couple of months, local government managers have been speculating how much of Total Place, the 'big idea' of the last administration, will survive. **One thing is certain: its name will change.** Some joke it will be rebadged 'Tory Place.' Others point out that with the CAA about to be scrapped, its website 'OnePlace' is looking for new owners and might become the new shorthand for joined-up working locally.

Lord Bichard, who is carrying on as head of the Total Place officers group, also recognises that a new Government will want ownership of policies, rather than inheriting those of its predecessor. At a conference in May organised by the South East RIEP and Kent CC, he told council leaders:

*'The most common question I am asked is "will Total Place survive the change of Government?" This misses the point. Total Place is a way of doing things differently and I hope this will survive. Total Place as a brand won't survive but I'm not sure that's important.'*

What is of great importance is whether the principle of Total Place will survive. Initially the auspices were not good. No mention was made of Total Place in the coalition 'manifesto' and it made no appearance in the Queen's Speech.

**Does this matter?** Many in local government believe the Total Place pilots have so clearly shown the benefits of cross-boundary working that the momentum cannot be stopped. Furthermore, since transformation is generally felt to be a better option than salami-slicing when facing cuts and Total Place is about transformation then implementing the programme is a no-brainer. Last, and definitely not least, is the fact that local government is set to bear the lion's share of cuts and Total Place at least enables it to draw on the resources of other, more fortunate parts of the health sector like health.

Certainly the message from the insiders is to **'get on with it.'** Lord Bichard told the RIEP conference: 'None of this demands legislation. A lot of it can be done at local level. We need to maintain the momentum during this transition period. We have a real chance of convincing politicians this can't be let go.'

The first local government minister to announce that Total Place was on the coalition's radar was Bob Neill who in opposition has always been an enthusiast. In May he told a dinner held by the Leadership Centre during its Total Place conference:

*'I've been sympathetic and supportive of Total Place and that hasn't changed. We now need to move it up a gear. But whatever we call the next generation of Total Place, it has to be about outcomes. The challenge now isn't about talking but about delivery on the ground.'*

But if councils are advised to press ahead locally, what of partner service providers like the NHS or JobCentre Plus where the Government has the lead role?

For one of the messages emerging from councils is that while they can move onto the next phase of Total Place i.e. implementation, they are constrained by the lack of enthusiasm from partners.

Total Place is still seen by the public sector outside local government as a CLG initiative to do with local authorities and that mentality will only change if Cabinet ministers in departments like health, work education and pensions and the Home Office make it clear it is also their priority. The ring-fencing of health and schools budget is unlikely to encourage these sectors to become involved.

**If coalition Government ministers are serious about Total Place 2** then they need to ensure its lead is taken not just by the CLG but across Whitehall and at Cabinet minister level.





## ***Total Place, One Place, Area-based funding***

Whatever it's called these days, it's a fair bet that council chief executives and leaders will be thinking hard about how to join up services and funding streams to improve services and – even more importantly in the financial climate – find efficiencies. But in the drive to deliver savings and better services, it is important not to lose sight of the need for strong and accountable governance of any new service delivery arrangements.

At the Centre for Public Scrutiny, we have been interested in issues of accountability since our inception in 2003. Our mission, “better scrutiny for better government”, encapsulates our belief that those who make a decision should not be the only ones to review or challenge it and that independent scrutiny can improve both the quality of that decision and the outcomes sought by the decision-maker. Scrutiny is thus a key element of accountability, but it is not the only element.

### **Elements of Accountability**

In fact, while no-one would deny that accountability is a good thing, it is much harder to define and pin down exactly what all the elements of accountability are and how they work. As the executive and delivery arms of local public institutions draw closer together, jointly making decisions and organising services, it becomes more important than ever that existing mechanisms of accountability within those institutions are also drawn closer together. We need more clarity about what accountability is and how it works.

We have been trying to bring some clarity to what we earlier described as the “crowded goldfish bowl of accountability” in the public sector (the NHS in this instance, CfPS: 2007), through a new document, “Accountability Works!”. This has established a number of key features of the “goldfish bowl”. Accountability is complicated and cultural. A large variety of people and organisations hold decision-makers to account in various ways; for accountability to be effective, decision-makers need to understand why they are being held to account and by whom. They need to accept the credibility and legitimacy of those holding them to account and, importantly, they need to accept the utility of the process in helping them to improve the way they do business.

### **Need for Investment**

Another feature is the need for investment. It is not enough to assume that accountability and transparency are the same thing, and that making more information available to the public will enhance the impact that the public and non-executives can have on the decision-making process. Formal structures are required so that something can be done with the information provided.

The most important feature of all: accountability is vital. Accountability has played an important role in helping public services to improve and become more efficient, forcing organisations to challenge themselves or be challenged by the public, press, regulators and scrutineers – all of whom have a role in accountability. Viewed in this way,

accountability can help reconnect the public to politics and to the decision-making process in the public sector.

At this time, there are **three key drivers** which mean that those leading local authorities should be thinking about their governance arrangements and not neglecting scrutiny and accountability amongst their other priorities.

**Firstly**, the experience of the **Total Place** pilots so far suggests that plans to join up services are being made and managed through existing partnership structures, usually under the overall umbrella of the Local Strategic Partnership. However, we must question whether the governance and accountability arrangements that worked well to help leaders and chief executives of councils and their partners discuss priorities and set local strategic direction will be appropriate for ever more complex joint management and service delivery arrangements. Previous academic research has suggested that local partnerships have measured up badly against traditional accepted standards of good governance, for example around transparency and public access to information, member conduct, and external lines of accountability.

**The second driver** is around the proposals to cut back on **central inspection and regulation** proposed by the new government. We see this as an opportunity to ask whether there are (more cost effective) local scrutiny and accountability measures that could replace expensive central regulation and still provide effective public assurance for the spending of public money.

This government places great store by the importance of transparency, with a number of proposals around requirements to publish information about expenditure, salaries and decisions. We believe that there are important opportunities in this agenda – why stop at publishing information? What will the public do if they are unhappy with the information that they see? What mechanisms will there be for them to raise these concerns and secure action in response to them?

**Thirdly, the scale of cutbacks** that are likely to be required will lead to significant public concern in many areas, and authorities will be well advised to think in advance about ways to address this through their governance arrangements. At CfPS, we feel that scrutiny processes offer potential forums for expressing / venting public anger and hearing views from all concerned, considering priorities and options for cuts and providing ‘political cover’ for the tough decisions that will follow.

Having been through the experience as an elected member in Hackney of having to make £70m savings in-year on a then £280m budget (obviously as a result of the authority’s own catastrophic failures rather than a national economic crisis), I can testify to the need to find ways to manage this concern. Hackney’s experience of ‘managing’ it through the deployment of 400 riot police to protect councillors as we set an emergency budget following our S114 notice is not ideal!

Some in local government have already been thinking about new accountability arrangements and **exploring innovative governance structures**, including ways to tackle budget decisions:

- The Association of Greater Manchester Authorities have set up a joint scrutiny pool of elected members to hold the new AGMA joint executive committee to account;
- Several authorities, including Bracknell Forest, Cardiff and Torbay have piloted scrutiny arrangements involving non-executives from a range of partners in order to hold their executive partnership structures to account;

- Northamptonshire have carried out a major public engagement exercise to inform the building of their budget;
- Hertfordshire have used the ‘World Café’ methodology to discuss budget priorities with councillors, officers and partners.

### **Message to ACSeS Members**

For ACSeS members, this should all be grist to the mill, and a real opportunity to demonstrate how good governance and systems to ensure accountability can contribute in times of difficulty as well as when things are running smoothly. Should anyone be any doubt about this, the recent Corporate Governance Inspection report for Doncaster Metropolitan Borough Council provides an excellent and salutary reminder of why good governance matters:

“Good governance is about running things properly. It is the means by which a public authority shows it is taking decisions for the good of the people of the area, in a fair, equitable and open way. It also requires standards of behaviour that support good decision making – collective and individual integrity, openness and honesty. It is the foundation for the delivery of good quality services that meet all local people’s needs. It is fundamental to showing public money is well spent. Without good governance councils will struggle to improve services when they perform poorly.”

Read Accountability Works! in full on our website: <http://www.cfps.org.uk/what-we-do/publications/cfps-general/?id=128>



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## ***The Scope of Local Self-Government***

If the new Coalition Government is serious about thinking the unthinkable in respect of the role and size of the State with a view to putting the country's finances to rights then does it not need to consider rethinking the role of local government? And if the UK Government becomes (again) the proponent of subsidiarity, in terms of bringing decisions made within the European Union back to the UK, does it not need to consider what is being done at national level that ought to be done at a local level?

Not many of us in local government can now recall the co-ordination of local services that built and sustained the burgeoning cities of Victorian England but it may be useful to remind ourselves that there was a time, before the current Local Strategic Partnerships, when there was co-ordination between the demands of a growing economy for better infrastructure; in terms of water, cleaning, street lighting, sewerage, electricity and gas supply and transport with better protection for health and the weakest in society through housing, education and hospital provision, policing and fire safety. All those roles were undertaken by a single locally elected and democratically accountable Council. Not a golden age – but one where things got done.

Look at your local governance now – a plethora of boards, authorities, trusts, academies and all of them needing to work together in search of the ideal Total Place for their patch. And who brings them together? The only body with any direct democratic legitimacy, of course – the local council! How much cheaper for one body to manage the Total Place?

There is a blueprint<sup>1</sup> for all this:

- Public responsibilities shall generally be exercised, in preference, by those authorities which are closest to the citizen. Allocation of responsibility to another authority should weigh up the extent and nature of the task and requirements of efficiency and economy.
- Local authorities shall, within the limits of the law, have full discretion to exercise their initiative with regard to any matter which is not excluded from their competence nor assigned to any other authority.
- Powers given to local authorities shall normally be full and exclusive. They may not be undermined or limited by another, central or regional, authority except as provided by the law.
- The basic powers and responsibilities of local authorities shall be prescribed by the constitution or by statute. However, this provision shall not prevent the attribution to local authorities of powers and responsibilities for specific purposes in accordance with the law.
- Where powers are delegated to them by a central or regional authority, local authorities shall, insofar as possible, be allowed discretion in adapting their exercise to local conditions.
- Local authorities shall be consulted, insofar as possible, in due time and in an appropriate way in the planning and decision-making processes for all matters which concern them directly.

It will be a really radical Secretary of State who follows up and delivers all those enabling powers and constitutional safeguards to locally accountable elected councils. It will be a really successful Secretary of State who cuts out the duplication and waste of multiple agencies trying to co-ordinate with one another while being accountable to different structures and organisations at regional, national and continental level.

**Go for it, Eric!** (And don't get too particular about where the blueprint came from!)

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<sup>1</sup> Article 4, The European Charter of Local Self-Government 1985 (Ratified by UK 24 April 1998)



**ACSeS employs a Policy and Development Officer, Tony Kilner to, for example:-**

- carry out legal research, produce reports / guidance for members of the Association;
- develop internal and external communication strategy;
- work with ACSeS officers on their respective portfolios to keep ACSeS members informed of developments in the law and corporate governance;
- assist in the preparation of responses to consultation documents from Government Departments and other bodies; and
- maintain a knowledge of legislation and policies relevant to local government and associated bodies.

*For further information, contact the President or visit us at [www.acses.org.uk](http://www.acses.org.uk)*



## **Branches**

The 10 Branches Network is at the heart of the Association and normally meet quarterly or as required. They provide an invaluable opportunity to meet colleagues, to discuss practical problems and to share information and ideas (ranging from implementation and interpretation of legislation, sharing experience of governance and other issues, sharing reports to Local authorities on new legislation, to receiving training from one of the Members or from an outside speaker).

The first point of contact is the Honorary Secretary of each Branch who will be pleased to extend a welcome and to provide details of meetings.

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## ***Worcestershire Enhanced Two Tier (WETT) Programme***

A number of articles in the two excellent ACSES Leadership publications have focused on the challenge of how we as Monitoring Officers can raise our corporate profiles and add more value in the strategic arena, than just in governance. As my contribution, I share my experiences of working on Worcestershire Enhanced Two Tier Programme.

The ground breaking WETT Programme was created at the beginning of 2009. This followed the successful bid by Worcestershire Councils for £350,000 of funding provided by the Regional Improvement and Efficiency Partnership to support the development of two tier, joint working within the region. This was set against the background of the need for further improvements in services for the customer, better performance, efficiency savings and cost reductions to meet local and national targets and objectives. It also took into account concerns about the future funding of local government and the significant unfunded cost pressures facing councils to protect front line services.

To address this it was accepted that there was ***a need for a strategy for shared and collaborative working*** with the other Worcestershire local authorities. Since then, the national economy has worsened and the impact of the banking crisis on public expenditure will flow into severe reductions in funding and grants to local authorities.

During 2009, Project Teams representing all of the Worcestershire Councils worked together to produce a number of proposals for two tier, joint working which included key community facing service areas (eg Regulatory Services). High level business cases were produced in May 2009 supporting proposals relating to ***ten service areas*** and the Worcestershire Chief Executives and Leaders Panel supported the prioritised development of three detailed business cases, namely Regulatory Services, Property and Internal Audit. Stakeholder groups such as the Programme Management Group (comprising of senior managers from all seven Worcestershire Councils), County Treasurers and HR Managers were involved at key stages in challenging and validating the detailed business cases.

In January and February 2010, all seven Worcestershire Councils reported the recommendations in relation to the three detailed business cases through to Cabinets and Councils. Following rigorous and transparent scrutiny which included Member workshops and briefings, the proposals were agreed by all the authorities.

Project Boards and Project Teams (using basic PRINCE2 project frameworks) have overseen work on finance, HR, IT and legal workstreams. Another major piece of work has been to define the exact functions to be carried out by the shared services and to map the performance standards that can be expected in each area. As I write this article, on the morning of 1 June, all three shared services begin today:

- **Regulatory Services** (i.e. trading standards, environmental health and licensing functions) will be the first two tier regulatory service operating across an entire County. It will deliver a fully integrated Regulatory Services function which will be more effectively focused on businesses and consumers, with all partners operating within a unified management structure.

- **The Internal Audit shared service** will deliver a more resilient and flexible service to five of the Worcestershire District Councils, with shared expertise across a broader team managed by a single management team. As well as internal audit, participating authorities will also have access to expertise in such areas as corporate governance, value for money and risk management.
- **The Property shared service** comprises the County and three District Councils operating a combined Property Service within a single management structure. This will be capable of providing the entire range of Property Services which will enable a more coherent approach to the management of property assets across Worcestershire and provide links to Total Place, climate change etc. The business model includes a core of Property functions which will form the initial service portfolio, with opportunities for a broader portfolio as the service is developed and embedded. This offers economies of scale & increased resilience with a breadth of service provision being available to the customer from a combined service.

***My role on the WETT Programme:*** I am a member of the WETT Programme Management Group which takes a corporate overview of the Programme, provides constructive challenge to the emerging Business Cases and communicates key messages to senior Officers and Members at each of the Councils. A number of my services are at the heart of the proposals namely Property (where my team has also been part of the Worcestershire Total Place pilot exploring the benefits of a single public estate) and Internal Audit (where Worcester City is hosting the shared service). The Programme Management Group has also been tasked by the Worcestershire Chief Executives Panel to consider the longer term political and operational governance implications for the individual authorities as an increasing number of services are delivered by other partners.

***The Programme Management Group has been critical to the success of the WETT Programme.*** Its main strength has been that it is comprised of high level representatives from each Council who are all committed to the modernisation and transformation of local authority services. That is the main essence of this article for me – that I was not chosen to represent Worcester City on this Group because of my legal skills and experience but because of my commitment and belief in the importance of transformation to the future success of our services.

***Strong leadership (both political and managerial) across the participating authorities has been key to the success of the WETT Programme.*** This has included not just being able to deliver positive messages about the Programme but also keeping faith with the original objectives when these have been challenged and tested. Equally, the ability for key Members and Officers to communicate effectively, work collaboratively and be prepared to compromise for the overall benefit of our customers has been crucial. In my view, these factors above all mark the difference between those shared service projects which flourish and those which break down before approval or implementation.

Given the scale and likelihood of further local authority reductions in funding and the continued emphasis on working together as one of the main solutions, it will be even more important for our communities that the leaders in local government can rise above these issues and meet the challenges of the future.



### ***Leadership and Member Allowances***

Councillors are currently making brave and robust decisions on local spending priorities and resource management issues in the light of unprecedented financial constraints. In the context of members' allowances, I am aware of member decisions to freeze their allowances for 5 years and indeed to accept a percentage reduction in allowances. The public sector is still bruised by the failures in the system that supports Members of Parliament in their expenses – a failure in my view that in part has its origins in unclear guidance and ineffective controls.

Readers will be aware that councillors' allowances are considered by full Council, taking into account a report of an independent remuneration panel (IRP). Often the chair of the relevant panel will attend and present the findings. I am aware of some councils that adopt the ***slightly bizarre process*** of putting the IRP's report through the executive which then makes a recommendation to Council. That should only be to enable a recommendation about affordability to accompany the panel's report – to do more than this blurs the reporting and accountability lines between the independent panel and the council. Those officers who lead the "flight control" of executive processes might do well to reflect on this and in particular the implications for the perceived independence of IRPs if members are seen to be putting forward allowance recommendations.

**My interest:** I was the principal officer adviser to my independent panel at Bath & North East Somerset Council. Since then I have acted as an independent adviser to some panels and am a member of, and chair, other panels. My experiences are varied but my commitment to working with others to present our system of members' allowances as robust, effective and able to withstand scrutiny is paramount. I see this also as a key role for those officers who lead support for independent panels and for Chief Executives in their management of local government's reputation.

Independent Remuneration Panels are facing their own challenges as a result of the financial crisis. These include:

- their credibility, especially when they recommend increases in allowances;
- their relevance in a period of financial constraint and especially when Councils have decided to freeze allowances;
- the lack of robust evidence to support requests for allowances.

**Credibility:** The Roberts' Commission highlighted many factors relevant to recruiting good quality candidates to stand as councillors. One of these was that councillors should not be out of pocket in performing their duties and that the time and effort involved should be recognised to a reasonable extent. Many look to IRPs to ensure that the structure of allowances does not act as a disincentive for quality candidates to come forward or existing councillors to remain in their roles. In this context it is right that, where necessary, panels recommend levels of allowances that satisfy this test, even if that means recommending an increase.

**Relevance:** Where councils have taken long-term decisions about the level of allowances e.g. a freeze for 4 years, it is easy to accept that the IRP need not meet again for most of that period. That is wrong in my view. Such a decision removes from the panel one of its core responsibilities

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<sup>1</sup> *Graham is Chair of the South West Regional Group for Independent Remuneration Panel Chairs and their Advisers and former Head of Democratic Services, Bath & North East Somerset Council.*

to ensure that the scheme of allowances remains relevant. Monitoring Officers in particular might reflect on what other independent mechanism will exist to satisfy this test of ongoing relevance.

A minimum annual meeting of the IRP will enable the panel to satisfy itself that the roles for which special responsibility allowances in particular are awarded remain relevant and valid in support of the Council in achieving its corporate objectives. In times of constraint, this must surely be the key driver in allocating allowances budgets. Even if there is a no change scenario, the IRP provides a relevant and independent scrutiny of allowances. Chief Executives and Monitoring Officers might consider this external, independent and annual validation extremely helpful in maintaining public confidence in the allowances regime and in the efficacy of local government. They should therefore in my view encourage an annual independent appraisal of the scheme.

**Robust Evidence:** I am often surprised at the vague and ill thought out evidence that has been offered by councils and councillors in justification of an allowance request. This is particularly so when new member roles are developed – as a consequence of national or local initiative. IRPs would be fully justified in refusing to support a request if there was no operational or policy based evidence of the contribution the particular member role would make or is making to the delivery of what was important to the council.

Members must rely on officer's advice in preparing such evidence. With limited resources, councils are unlikely to be in a position to support, through allowances, member roles that cannot demonstrate the test of relevance to delivery of corporate objectives. IRPs are not experts in this field and will apply an objective test to the evidence provided. They would be entitled to ask for a period of operational experience and evaluation before considering an allowance, if there was insufficient evidence to persuade the panel at the outset that the role was justified against these corporate drivers.

**These are all sensitive areas for officers of course.** However, corporate credibility is vital in these times of deep suspicion about rewarding public servants. So far, local government has avoided the failings of the national Parliament in policing its allowances effectively. We must maintain this good record and the responsibility for effective governance of this should in my view rest at the very top of corporate management.

**A major new initiative** has been launched by South West Councils by producing a comprehensive practical online guidance specifically for IRPs and their senior advisers. The guidance deals, among other things, with the legal framework for allowances, the current and emerging roles of councillors, the methodology of reviewing allowances, accessing comparative data, evaluating evidence offered by councils and councillors, potential issues and challenges panels might face and managing areas of risk. The guidance is available on the South West Councils website- [www.swcouncils.gov.uk](http://www.swcouncils.gov.uk) , under the members section.

The guidance provides **fills a gap** for independent members so that they can appreciate the challenges facing local government, the varied roles of members and processes that maintain the credibility of the allowances system. It invites them to ask challenging questions and to challenge evidence provided. **Maintaining the public's confidence in our allowances system** is a shared responsibility and one in which IRPs and leaders of corporate management play an equal part. Future developments of the guidance will, I am sure, help to maintain confidence in local government.



### ***Supporting Local Government Lawyers***

The Law Society is delighted to be sponsoring ACSeS's First Leadership Summit.

Over recent years, the Society has placed a new focus on ways in which it can better support the whole legal profession. As part of that focus, we have a particular commitment to radically improve the way in which the Society supports in-house lawyers and to increase its role in the professional lives of members.

It remains an uncertain time for virtually everybody currently associated with the profession, in whatever capacity. The challenges facing local government are daunting.

This is partly due to the paradox of the downturn. If anything, the recession heightens the need for Council intervention, while the drop in income from planning applications, investment and capital receipts means fewer resources to deal with the concomitant increase in demand. Add a renewed focus on child protection and local government legal departments are being asked to provide a more extensive, more rigorous and more responsive service with less money and, often, fewer staff.

Some think that the worst is yet to come. The Gazette recently published the results of its local government survey. It reported that two-thirds of the 75 Heads of Legal Services surveyed expect further cuts in the next year, while nearly half expect to see their departments shrink in size.

Similar trends are being mirrored across the profession, especially in commerce and industry. It seems to be a rather perverse fact of life that in any downturn, so-called front-line work is maintained at the expense of background support, placing more and more pressure on in-house legal teams. It becomes doubly perverse when in-house legal teams are themselves expected to command greater responsibility for compliance and risk mitigation.

**The Society has been doing a great deal of work** in recent months to try to build communication between in-house general counsel and the heads of private practice firms to foster an appreciation of how the role of external counsel is changing. More than ever, external counsel has to have an intricate knowledge of its client's business. Firms have to help general counsel to provide more for less. They have to make charging more transparent and provide specific value for the work that they deliver. Where necessary they have to assist the in-house team to limit its costs.

In some ways this process is being replicated in a lot of local government legal departments. Restrictions in staffing and resources have created a greater need for legal departments to find ways of relieving their workload so that they can continue to provide an effective service. This means educating and encouraging client departments to take

on the less technical aspects of work which would normally be handled by legal services. This involves building effective client relationships and client understanding, just as with private practice, and dispensing with the old ways of working to create a service which best suits the organisation and makes the best use of available legal expertise.

**It also requires a degree of entrepreneurialism.** We are seeing this already in the potential for shared-service arrangements, where the development of inter-authority relationships to a degree mirrors the consolidation of firms in private practice. Kent County Council's Geoff Wild in particular has done excellent work to transform the delivery of local government legal service. The Society was glad to be able to recognise his contribution at the Law Society Excellence Awards last year.

The most important thing that the Society can do at the present time is to speak to local government solicitors and other in-house solicitors as frequently as possible. The Society already works closely with Solicitors in Local Government. We are delighted to be developing a similarly fruitful relationship with ACSes.

**We are also doing all that we can to keep local government solicitors abreast of developments** within the profession which concern them. In addition to giving more prominence to local government issues than ever before, the Gazette has published two tailored local government supplements in the last year. Last month, the Society sent out the first e-newsletter tailored specifically to the needs of in-house solicitors. The e-newsletter will be published at regular intervals throughout the year and includes news and issues affecting in-house solicitors and updates on relevant changes in the law. If you have not received a copy and would like to in future, please send a message to [inhouseforum@lawsociety.org.uk](mailto:inhouseforum@lawsociety.org.uk) with "Subscribe" in the subject line and you will be added to the distribution list.

**There is more to come.** On 7 October, the Society will hold the inaugural Law Society UK In-House Counsel Conference. This will be a forum in which corporate and public sector counsel will have the opportunity to network and to learn from each other. Anyone wishing to express an interest in attending should contact [events@lawsociety.org.uk](mailto:events@lawsociety.org.uk). It promises to be an excellent event and I encourage you all to attend.

One thing that we have learned is **the Society has to do more to help local government solicitors to manage the impact of change.** There is a particular fear that local government solicitors are not able to develop their careers as well as they might within the structure of a local authority. It seems to me that some solicitors are becoming more like technicians than men and women of business. They are losing the skills they need for advancement as their work becomes more niche and specialised. The Society has to be able to offer the training they need to turn this around.

**We also have to try to provide for a degree of fluidity within the profession** – not just within local government, but between the private sector, commerce and industry and the public sector. We need that transference of ability to ensure that we continue to learn and develop and to spread best practice across boundaries that are becoming increasingly porous. This means, where practical, providing advice for those who want to move from one area of practice to another. And we also have to provide training (perhaps at LPC level) to provide an overview of how to work within a corporation or organisation, rather than a private firm.

We also have to take advantage of the pre-eminence of local government in areas where other parts of the profession are lagging behind. Some authorities, such as Birmingham, have made a great impact with their work to re-develop their panel arrangements.

Other authorities are now beginning to select their own panels from the same pool of firms. The fact that the new panels have been built around the Law Society's Lexcel standard means that local authorities are playing a very significant role in driving up standards in member firms across the country.

**Local government is leading in equality and diversity**, not only by embedding it within their own operations but in demanding similar standards from their external counsel. Authorities can make the most of this success by signing the Law Society's procurement protocol. By doing so, an authority can demonstrate its commitment to putting E&D squarely at the heart of procurement and demanding the same standards from the firms with which it works.

Whilst there is a great deal for the whole profession to gain from closer cooperation, we also have to recognise that there are differences in the way that we work.

The PC fee is the most obvious example and the SRA has new arrangements in place to provide an equitable split in the cost of practice certificates for different parts of the profession. Initially, this means local government solicitors paying 40 per cent of the current fee, although this could be phased lower over time.

Ultimately, we have to recognise the **considerable synergy between the different parts of the profession** and to spread best practice across the whole legal landscape, while catering for the specific needs of its constituent parts.

**The key to all of this is conversation and communication.** The Society is absolutely committed to making sure that this increases exponentially over the next few years. Feedback from you is essential. You can contact us via your local council member, through the SLG or ACSeS or provide feedback directly via the new e-newsletter for in-house lawyers.

**I look forward to hearing from you.**





The Law Society

# Working for you

We provide a wide range of advice, training, products and services to support solicitors in central and local government. New services include:

- Risk and compliance service to help you prepare for outcomes-focused regulation
- CPD Centre to search over 1,000 courses from leading training providers
- In-house forum e-newsletter for the in-house sector
- First in-house lawyer conference on 7 October 2010
- Equality and diversity standards and toolkit.

Find out more about our full range of support at [www.lawsociety.org.uk](http://www.lawsociety.org.uk)

Sign up to receive our in-house forum e-newsletter by e-mailing [inhouseforum@lawsociety.org.uk](mailto:inhouseforum@lawsociety.org.uk), adding 'sign up' to the subject line.

[www.lawsociety.org.uk](http://www.lawsociety.org.uk)

supporting  
solicitors



## ***The Bar as a Provider of Legal Services in the 21<sup>st</sup> Century***

The Bar is a profession of long lineage. However, in recent times, it has been forced to cast off any vestige of a dusty past and adopt a much more modern guise. The profession numbers in excess of 15,000 practitioners. Approximately 12,000 of these are in self-employed practice with the remainder being employed. Perhaps, contrary to public perception, the Bar has an enviable record in increasing opportunities for BME and women practitioners.

### **A referral profession**

Traditionally the Bar has been a 'referral' profession. Sometimes this has resulted in a 'false' impression that it is inaccessible and remote but this is far from the truth. In modern marketing speak, if one were to identify the USP of the Bar, it would be characterised by **three features**.

**First**, the Bar is very low cost. A recent report by economists, Europe Economics, assessed the average overheads of the Bar at 14% of revenue to be compared with average overheads for solicitors of 60% - 70%.

**Secondly**, the Bar contains extremely high quality service providers. Competition for places at the Bar is ferociously competitive. The Bar still recruits a high percentage of the very most able young students. The profession facilitates and promotes specialisation in the giving of advice and high quality advocacy.

**Thirdly**, the profession is supported by a highly active and professional support mechanism derived from the Inns of Court, the Circuits and the Specialist Bar Associations. Although these organisations, particularly the Inns and Circuits, have been in existence for literally centuries, in their modern form they provide continuing education and professional support to their members. So the unique selling points of the Bar are, in summary, relatively low cost, very high quality and extensive professional support.

### **An accessible profession**

A critically important task of the Bar Council is to bring to the attention of clients and potential clients the fact that the Bar is accessible and open for business. It has been a very long time indeed since I received a set of instructions wrapped up in a red tape. Invariably instructions arise by e-mail and, if I am travelling, on the Blackberry.

The Bar is IT savvy. Clients who work regularly with the Bar have recognised that a barrister is accessible via e-mail, on the telephone, or face-to-face and that this can be achieved quickly and efficiently. A recent and extensive survey by Winmark highlighted that in-house lawyers were looking for more formal, but also more flexible, relationships with their lawyers. They conducted, amongst other things, an analysis of changes in the amount of work outsourced to different providers.

Of great interest is the fact that 48% of in-house lawyers reported a significant increase in the amount of work that they had sent to the self-employed Bar. 50% reported no change in the status quo and only 2% reported a decrease. The Bar was far and away the largest beneficiary of increased instructions of all the different types of service providers.

The Bar Council is anxious to increase its accessibility to potential clients. In this regard, the Bar has very recently published an entirely new model for the way in which sets of Chambers might operate. This has been given the unglamorous name of the **ProcureCo**.

We have devised a model where by a set of Chambers can use a incorporated vehicle to act as agent for panels of barristers. The purpose behind the vehicle is to increase the flexibility and accessibility of the Bar. So for example if a local authority wishes to outsource a large chunk of work which encompassed multiple cases over (say) a twelve month period then the local authority could contract with the Chambers company which would administer the work and ensure that is procured that its barristers were available to provide the sought after legal services. If the local authorities' needs meant that the Chambers needed to bring on board new barristers from elsewhere or solicitors even other professionally then the ProcureCo Company would arrange all of this.

The purpose of this is to enable the Bar to become increasingly a "one stop shopping" point of first reference for clients seeking specialist advisory or representational work.

#### **Bar – the future**

The Bar is not, in the future, going to move substantially to the traditional work of solicitors, such as handling clients' commercial affairs, but the Bar is going to be purposeful and determined to maximise its very substantial strengths in advocacy, litigation and advisory work.

This means that the Bar should be an ideal partner for very many Local Authorities. The Bar is already, as will be well known, a substantial partner for Local Authorities but, even during my period as Chairman of the Bar, I have become aware of Local Authorities who have devised tender processes focussed exclusively on solicitors in circumstances where the work being tendered for could equally be performed by members of the Bar. The new business models that the Bar Council is promoting will enable the traditional strengths of sets of Chambers to remain but will give Chambers increased flexibility to participate in all varieties of contract relationship with large purchasers.

Over the past five months, I have been engaged in an extensive tour of England and Wales to visit Chambers. I have spoken to well in excess of 2,000 individual barristers, practice managers, clerks and chief executives of Chambers as well as to many of their clients. I have had extensive discussions with the judiciary, with the Inns of Court, with the Circuits and Specialist Bar Associations about the future of the Bar. Notwithstanding the rigours of the recession and the impact that this has exerted upon the requirement of clients for better value for money, **the Bar is optimistic about the future**. The Bar recognises that with a low-cost structure it should have material advantage to be able to provide high quality services for economical rates to its clients.

Finally, I would add only this, that the Bar Council, as the representative body for barristers, **remains prepared to assist Local Authorities** in any way which it is considered appropriate, to enable such authorities to work professionally and productively with the Bar. We are acutely conscious that in a period of fiscal and economic austerity the profession must be fleet of foot and responsive to clients' needs.



### ***Leading the way to a new norm for ethics***

A very good friend of mine was somewhat nonplussed by an announcement a few years back; he had heard that the Law Society in England & Wales had set up an “Essex Helpline”. “What on earth” he opined “did the Law Society think it was doing spending our money on something just for Essex? And what the hell was going on in Essex that they needed their own helpline?”

He was so wound up that I did not have the heart to tell him immediately that it was in fact the “Ethics Helpline”!

#### **Professional ethics**

Professional ethics, of course, have been part and parcel of the legal profession for hundreds of years; without wanting to sound at all arrogant or self-serving this is one of the great strengths of the profession. Clients, whether they are the humblest of individuals or the mightiest of corporations, can rely on their lawyers acting in their best interests.

Students who come to study the law learn quickly how it is possible to represent even the most reprehensible individual, never to lie or to deceive the courts, but because in the end the strength of a democratic society is judged by ensuring the fairness of the trial and protection from an overbearing State.

Trainee lawyers learn that confidentiality is not just about keeping commercial secrets safe, but a fundamental tenet of their integrity and personal credibility. Junior lawyers come to understand that privileged advice is not a misnomer; it is indeed a privilege to be able to fearlessly advise a client on their rights, their responsibilities and their plans.

And yet in the second decade of a new century the centuries old traditions look like they might have lost their lustre just a little. I do not mean that the profession is less professional or that access to justice, confidentiality and privilege (etc) are less valued; but I do wonder if it is enough and whether we need to do even more.

In the last ten years we have seen Enron, the near collapse of the banking system, an adrenalin fuelled tech bubble, what many consider to be an illegal war in Iraq, endemic corruption in some States and a legal profession that looks increasingly uncertain as to whether it is a consumer-driven, branded and commoditised service or an independent, bespoke, and hands-off advisory service.

In this last turbulent decade I do not want to pretend that the lawyers could have (should have) done more in a sort of faux heroic role acting as protector of the common good; but I do want to challenge whether the old precepts of professionalism have adapted enough to cope with the demands of 21<sup>st</sup> Century living, commerce and politics.

## **A positive outlook**

It is not just the world that has changed, but the profession has changed too. Look at how many lawyers are now employed by authorities, institutions and businesses to be in-house legal advisors; consider how transformatory the internet and email has been in the way lawyers communicate with their clients and with each other; and reflect as well on how this has also been influential in opening up new markets and new territories.

I see all these things as very positive; the legal profession has become a globalised phenomenon that has, in less than a generation, moved from being seen as Dickensian in its practices to something that influences millions and millions of lives every day by supporting everything from governments and international trade on the one hand, to the lease of the corner shop and a defence lawyer for the arrested shoplifter on the other.

So, given all this change externally and within the profession – should we examine whether what “professionalism” means today is enough? Are we still adequately protecting our fellow citizens? Do we in fact need a new normal for what ethics should mean today? My emphatic answer is that yes we do, but I am not going to pretend to have answers to such complex and important issues as these. I do think however that we need to have the most informed debate we can.

There are **two crucial factors** as to why we must do so and why there is not a moment to waste.

- First, because our world has changed so much and modernisation does not always go hand in hand with simultaneously developing an up to date ethical code that supports innovation and change;
- Second because in an ultra competitive and de-regulating world where services might in future be provided by all and sundry and where being a fully qualified lawyer might become less and less meaningful, we need to re-assert the values of the profession.

## **A new ethics world order?**

What might the new ethics look like? Perhaps a responsibility not just to see that commercial decisions are made within the tight definition of statute or regulation; but a duty to at least ask the question is this in the interests of council tax-payers, shareholders and employees as well? Or an obligation to ensure that companies and institutions demonstrate a serious, proportionate and competent commitment to regulatory compliance? Or a responsibility to enquire whether the policies and practices of an organisation are environmentally sustainable? Perhaps a requirement to sign-off deals, trading statements and accounts as having been achieved without corruption?

More grandly, should there be a duty on every lawyer to protect the rule of law and to proactively promote access to justice. I am of course aware that within the confines of such a short article précised ideas can look foolish and crazily simplistic; but at the heart of this concern for what ethics should look like today, is I think a legitimate and very real concern for lawyers. Frankly what is the point of lawyers if all legal knowledge, wisdom and insight is apparently capable of being synthesised to a few bytes of digital information?

For the sake of the profession, I believe lawyers themselves must at least be prepared to explore what being a lawyer means today and therefore to re-establish an ethical code that supports our modern, diverse and multicultural profession. Not just an Essex helpline, but one for all of us to reassert our value and our values in such a busy, crowded and impatient world.



### ***Nurturing sound leadership skills for future chief executives***

Recently, I was privileged to hear Adrian Moorhouse MBE, Managing Director of Lane4 and Olympic Gold Medallist speaking about the similarities between successful business leaders and athletes. He spoke in a compelling and inspirational way about the importance of setting goals, never giving up, working as part of a winning team and given he was addressing a private sector audience, developing a competitive edge.

The challenges which the public sector faces in the next few years will need people who can demonstrate exceptional innovative and sound practical leadership. Those who have worked in the public sector for a number of years will remember that we have previously come through challenging times successfully and with strength.

So how do we rise to the challenge again so that lawyers are valued and valuable as senior leaders and potential chief executives? How should we go about growing future chief executives? **What are the key elements of high quality leadership?** Whatever the circumstances, there are key factors which I believe will deliver individual and organisational success with successful and well motivated teams.

***The first and probably the most important is to have a focus and a goal.*** It is vital to be clear about what you are seeking to achieve in the short, medium and longer term. It is also important that that fits with the objective and culture of the organisation. That means thinking creatively where the role of your team is in a support capacity, for example legal HR or finance. It is imperative that legal managers are seen as critical to the success of the organisation and a source of valuable practical sound advice.

It means that it is important for there to be close working at all levels with those who are shaping and driving policy within the organisation and also close working at all levels so that they provide holistic services. It requires forward looking and planning. For example, what are the financial, legal and HR implications of making significant changes to long terms contracts with the private sector if there is to be increased devolution of decision making?

Smart, effective leaders would get together at a strategic level to discuss those issues and to think about putting together a joint shared analysis of the issues in the context of their individual contracts. The exercise would also involve staff who understood the detail of those arrangements giving thought to and feeding into that process. That way, everyone is thinking about the future, the same goal and has a real understanding of the issues which need to be addressed and have the commitment of the organisation.

***The second important ingredient is passion.*** As a leader, you need to be passionate about what you do, to see meaning in it, to give it purpose and ensure that those who are working for you similarly share a passionate belief for what they do. It is important to keep going and not allow negative influences and set backs to overcome that. Communication is a vital ingredient of this. Good leaders will talk to their teams

collectively and individually about the objectives of the organisation and how the work they are doing feeds into the delivery of that objective. Even if at an individual level people do not necessarily think something is the right thing to do or that it is being done in the right way, clarity about that objective helps them accept why they need to do something and why it needs to be done in a particular timescale.

***The third important element is to remember to celebrate achievement.*** When faced with a considerable number of competing tasks, it can be easy to forget what has actually been achieved. It is vital to stop, review and communicate about our achievements with each other and also making sure others know about them. This is often best done in a highly visual way and in big team settings so that entire teams see the full contribution made by the entire service. Linked to that is the importance of letting talent shine.

In my previous job as Director of Legal Services, one of the exercises I undertook was an audit of everyone's skill. It was highly illuminating and enabled us to develop dormant talent and take into account the interests and aspirations of staff. Nurturing talent by giving support and encouragement is also vital. Spotting potential skills can lead to developing expertise and raising profiles and individual confidence. This is often best achieved through mentoring arrangements where an experienced member of staff supports and mentors an individual.

***To make all this happen requires organisational capability.*** Sometimes hard decisions need to be taken about underperforming staff and it is vital those are not shied away from. They can hold back a service and are a wasteful use of a vital resource. Equally, where talent is spotted, it is important not to allow hierarchies to get in the way of that talent being developed and recognised. It is vital to play to the strengths of every team member. For example, recognising that some people work well in a multi disciplinary setting and have excellent interpersonal skills, enjoying interaction. Others are more comfortable in a back office support environment and should never be put before a client.

***The final key ingredient is challenge.*** It is important we challenge ourselves and seek to learn from our experiences and continuously develop. It is important that we challenge the organisation about realistic goals and the importance of legal services being critical to the success of the organisation. It is also vital that we accept challenges to us with good grace so that it becomes a positive and not a negative influence. All those elements of challenge should be used to take an organisation forward and not allow it to focus inwardly and self destruct. The key to that successful challenge is being clear about the focus and goals, taking shared ownership of delivering those and linking that to appropriate measures and milestones so everyone is clear about what is expected of them. This gives meaning to the organisation and to the individuals.

***In summary, leadership for me is about inspiration and motivation.*** It is primarily about taking control, about focusing on the transformational rather than transactional. If Directors of Legal Services are seen to be leading a strong team and part of the success story, making a real contribution to the organisation, that is when lawyers will be recognised as good future chief executives. It is about legal services being the golden thread running through an organisation and being part of the solution, offering more than purely technical legal advice and embracing the organisation's strategic vision.



## **Leadership: The Eternal Questions**

*"Would you tell me, please, which way I ought to go from here?"*

*"That depends a good deal on where you want to get to," said the Cat.*

*"I don't much care where" said Alice.*

*"Then it doesn't matter which way you go," said the Cat.*

I guess there's a little bit of Alice in all of us at the moment. We're all wondering where we ought to go, but not sure where we want to get to. And like Alice, if we don't have clarity about where we are going, we shouldn't be surprised if we end up somewhere different. What's clear, though, is that if your business needs reinvigorating or re-inventing, it needs a complete and fundamental shake-up. Simply giving it a corporate comb-over by merely tinkering at the edges, will achieve nothing. You have to totally focused and have the complete commitment of all stakeholders: customers, Members and staff.

**"When your very existence is threatened, you have to change"**<sup>1</sup> Don't wait until your very existence is threatened; don't wait to be told to 'shape up or ship out'. Make the necessary changes to your business now. Change is often seen as a discreet programme or project - something out of the ordinary. Yet in life we change all the time: we learn, we grow, we get fatter...or thinner; we make mistakes and we start again. **The only constant is that we change.** People apply themselves surprisingly readily to things they understand and believe in and change is something most people enjoy in their private lives because they are in control of it. Change in the workplace should be no different. It requires openness and transparency, not just information on a need to know basis. Healthy organisations are (and should be) in a constant state of flux. As the Chinese proverb goes: "Unmanaged change is applied chaos. Unwilling change is pointless. But no change is unacceptable".

The days of the law as a superior profession are now gone - it is a job like any other. It is no longer acceptable to dispense advice from on high, in an aloof and disinterested manner, expecting it be accepted and acted upon unquestioningly. The lawyer is expected to roll up their sleeves and share their clients' pressures and goals, to be a specialist problem solver and be an instrumental team member in devising solutions.

Gone are the days when we simply need to give customers what we think they need. Gone even are the days when we give them what they say they want. True service requires us to help customers uncover and discover what they need - but do not yet realize it. If our clients (or customers) keep changing, setting higher standards and requiring different services, then **we must change with them - or perish.** This sounds trite, but many in local government are slow and reluctant to acknowledge this and make the change.

**"If you keep thinking about what you want to do or what you hope will happen, you don't do it, and it won't happen."**<sup>2</sup> Keep dreaming, but make sure you turn those dreams into reality. For example, you may dream of...

- a place where people come to work everyday in a rush to try something they woke up thinking about the night before
- employees who go home from work wanting to talk about what they did today rather than trying to forget about it
- a place where when the working day is finished, everybody wonders where the time went

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<sup>1</sup> Sir Richard Branson

<sup>2</sup> Desiderius Erasmus

- and where, by shaping their own work experience, they make their own lives better and their team the best

Aspirational stuff, I know, but if just one of these dreams turns into reality for just one member of staff, then the effect can be incredible and contagious. For staff to succeed, a leader has to recognise that they have a strong responsibility to serve and inspire them, and make sure that they have everything they need to succeed. ***If they succeed, you succeed. If they fail, you fail.***

A leader needs to get out more and be with customers and employees, understand their needs and provide resource solutions, not sit in their corner office waiting for information and reports to flow in, and be briefed by a few cohorts. Remember...

- Good staff give you competitive advantage
- Customers can identify with 92% accuracy which employees are poor performers and which are dissatisfied
- Dissatisfied employees are 20% less productive than satisfied employees
- For every 1% of dissatisfied employees there are 5% of dissatisfied customers

This requires more empowerment, and less control from the top, which can be quite scary to begin with. Distribute and delegate power, authority and autonomy. It helps to think of yourself more as a coach than a manager. Allow decisions to be taken where the knowledge is. But like any other skill, the ability to take good decisions requires training, practice and the right tools - don't just leave people to get on with it and be tolerant of early mistakes.

It is also vital to make sure that accountabilities and responsibilities are clear and that passing the baton of decision-making does not result in 'ad hoc' decision-making. It can be a little scary to let go, but be prepared to explain the What and the Why, and have confidence to leave the How to the skills and capabilities of the staff. It works.

In particular, train for soft skills in a systematic, thoughtful and planned way. Our soft skills (influencing, presentation, communication, negotiation, etc) are the means by which we convey our expertise and judgment; without them we might as well be talking to ourselves. So make sure you train these skills and rely less on professional osmosis for your improvement.

***A leader should always put themselves in the position of Client and ask what they would like to receive in the way of good service.*** It is the job of leader to constantly trumpet the views and importance of the customer, to think of their role as that of Customer Advocate within their organisation, even if that sometimes results in them challenging their own people. It is vital to develop and maintain close customer ties...articulate customer needs...and keep priorities in focus with the desires and expectations of the customer. You need sound strategies, with balance, credibility and common-sense - which don't easily frighten either Members or staff. Don't be easily deflected - you won't please all the people all the time and do not aim to win popularity contests amongst your own staff.

### ***Innovative Leaders...***

- Marry the art of invention with the discipline of management
- Are motivated by what is possible, not by what seems probable
- Consistently push the envelope – for themselves and all who follow
- Fear stagnation more than taking risks
- Are unflinching excellence junkies who resist the status quo
- Embrace failure as a step toward success
- Welcome change and challenge like fine old friends
- Hunger for learning, stimulus and discovery
- Are motivated by internal drive, rather than external forces
- Inspire others by "doing" and "demonstrating"
- Admit to a strong inner sense of direction, mission or calling



***Wisdom beyond your years ...***  
***Work with a coach to guide you on your leadership journey***

What is it about that monthly meeting with those people that is unsatisfactory? What plays in your head on the occasions you are awake in the small hours and cannot go back to sleep? How come one step forward and two steps back is the best you achieve with that one individual? And what would a wise person do in that case? Someone who knows you very well and who holds your best interests at heart? By the way, that wise person is you.

How would it be for you to find some of Alice in Wonderland's fascination with your leadership conundrums, "Curiouser and curiouser ..." and speculate to yourself about them. The only thing about the solitary act of talking to yourself, if indeed you do it at all, is that, like Alice, you may not often act on your conclusions, "She generally gave herself very good advice (though she very seldom followed it) ..."

Our mind often functions to preserve our status quo to keep ourselves 'safe'. This means that doing things and seeing things differently, at least in a considered way, can be a rare occurrence. However, choose to place yourself in a safe environment, somewhere where you explore your perceptions, your awareness of yourself and your work surroundings, rehearse the outcome of different actions and receive quality, nonjudgmental observations about how you are and what you say and you'll begin to create new and exciting results for yourself. One of the journeys coaching can facilitate in any context is ***to take you from the possible to the plausible then to the probable.***

The thing that each of the situations in the above questions have in common is your perception of them. That's because your thoughts, which are based on your perceptions, are yours alone. All the information that you hold about these events has been filtered through the lens of your personal experience and understanding. From time to time we may exclaim in frustration or disbelief, "Is it me ...?" and the honest answer to that is always, "Yes". Coaching asks you to consider things from different perspectives, encourages you to add in information about scenarios, to get curious about others' perceptions of you and to helicopter above the situation so that more of the picture is visible. In this way you are seeking to understand more about the situation, to raise your awareness and this will guide your choice of behaviour in future.

From the outset, one of the things that it is good to do in coaching conversations, is to, 'hold things lightly'. A focused yet curious, flexible and relaxed approach will create more impact and make the 'work' more enjoyable.

***The benefits of quality coaching time*** are often significantly improved inner confidence and a revolution in understanding of others' preferences and performance. "Self-belief, self motivation, choice, clarity, commitment, awareness, responsibility and action are the products of coaching." <sup>1</sup> It is often a very creative time and is likely to be some of the most enjoyable and satisfying Continuous Professional Development (CPD) you'll ever experience.

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<sup>1</sup> 'Coaching for Performance', p34 John Whitmore

**As your awareness rises so too does your degree of understanding.** This revolution may progress through stages as set out in the model below, or appear at the click of a switch in your consciousness, either way there is often no going back.

*“He who knows not, and knows not that he knows not, is a fool - shun him.  
He who knows not, and knows that he knows not, is ignorant - teach him.  
He who knows, and knows not that he knows, is asleep - wake him.  
But, he who knows, and knows that he knows, is a wise man - follow him.”<sup>1</sup>*

Awakening the sleeper through the art of useful questions is one of the features of coaching conversations. Trust yourself that you know the answer and if you think that you don't, well, what would the answer be if you **did** know it? **In coaching, there are rarely right or wrong answers**, the valuable ones are honest ones. Asking questions of others is a great way to increase your knowledge and your wisdom. Surely an idea or proposal received from a team member is potentially more valuable than one from you as it encourages them, gives strength to the organisation and develops your reputation as a leader who listens, that's a triple win.

Different coaches have different backgrounds and some may also offer you mentoring from the perspective of their experience, book recommendations and training tools. However, it's the **questions that are key to unlocking your innate wisdom** as the assumption is you have the answers yourself to many of your own questions and, given quality time and support, you'll further develop your wisdom muscles so that you answer your own questions as you self coach.

Coaching conversations will support you to grow how you are as a leader. This includes considering your own internal workings i.e. your perceptions and beliefs and your reactions during your day to day work. You also rehearse the external, action oriented 'nuts and bolts' of daily life such as relationships, and involve creating and planning the outcomes you want to achieve and the means by which you want to achieve them. That's like strengthening the foundations of a building, that's the internal stuff, before you build new floors on top, the external stuff.

This form of CPD is the epitome of being involved in and taking responsibility for one's own personal development, as reflected in the proverb, "Tell me and I forget. Teach me and I remember. Involve me and I learn."<sup>2</sup>

The leader who is enthusiastic about, models and values the benefits of coaching is ideally placed to lead an organisation with a coaching culture, indeed for such a culture to succeed, all leaders' approach to people and work must be a coaching approach. There are certainly many times in leadership when this approach is not appropriate or useful and where a command or confrontation is required. However confrontation in a 'supportive context' might mean an increase in beneficial confrontation at work in all sorts of respects, "a listening, learning, coaching culture may provide the best chance of riding out the unsettling wave of change that businesses are facing."<sup>3</sup>

Coaching take up is higher than ever. Employers cite coaching as one of the two most effective activities for managing talent.<sup>4</sup> I wonder if this is because it effectively shows the talent how to manage itself ...

That inversion, the idea of doing something oneself instead of being 'done to' is a paradigm shift that I find is common in leadership coaching conversations. Take the notions of motivation or delegation for example. These are things which traditionally the leader 'does' to a team. However, with clear contracting at the outset and consistent use of the coaching approach, both motivation and delegation become things that the teams take responsibility for and so reap sustained success.

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<sup>1</sup> Attributed to Solomon Ibn Gabirol ben Judah, Poet and Philosopher, 1021-1058

<sup>2</sup> Popularised by Benjamin Franklin, author, diplomat and abolitionist (1705 - 1790)

<sup>3</sup> 'Coaching for Performance' p131 John Whitmore

<sup>4</sup> The Chartered Institute of Personnel and Development '2010 Learning and Talent Development Report' (70% of employers surveyed use coaching)

“Gung Ho!”<sup>1</sup> sets out how some Native American wisdom is transferred into the teams at a failing factory. The factory’s teams are offered a different perspective on achievement and after the agenda is set, are empowered to create their own success. Their leader keeps them accountable to the shared goals and values and encourages a creative approach, designed by the team.

This wisdom is akin to coaching wisdom. It empowers the team to take responsibility for the results of their own efforts and replaces ‘motivation of the teams’ **by the leader** with a sustainable operation and celebration of process and results **by all concerned**.

Delegation can be seen as granting a stewardship, “... a job with a trust, I trust you to do the job”<sup>2</sup>. The leader is the sponsor of a project but not the boss. The steward is the boss and although the leader will provide help upon request, the responsibility of meeting the specification is the steward’s alone. Stephen Covey calls this a “new paradigm of delegation,” one which is “governed by a conscience that contains the commitment to agreed upon desired results.”

A coaching conversation is an ideal vehicle through which the leader and the team mutually agree goals for a piece of work, “So tell me, what a good end to this project will look like to you?”

Whether you are having ‘difficult’ conversations, delegating work, heading a large project or simply being curious about someone, remember to seek out the coaching resources for yourself that will benefit your approach, and trust yourself to lead from a place of enthusiasm, modelling an inclusive type of wisdom that is catching. How’s your journey going?



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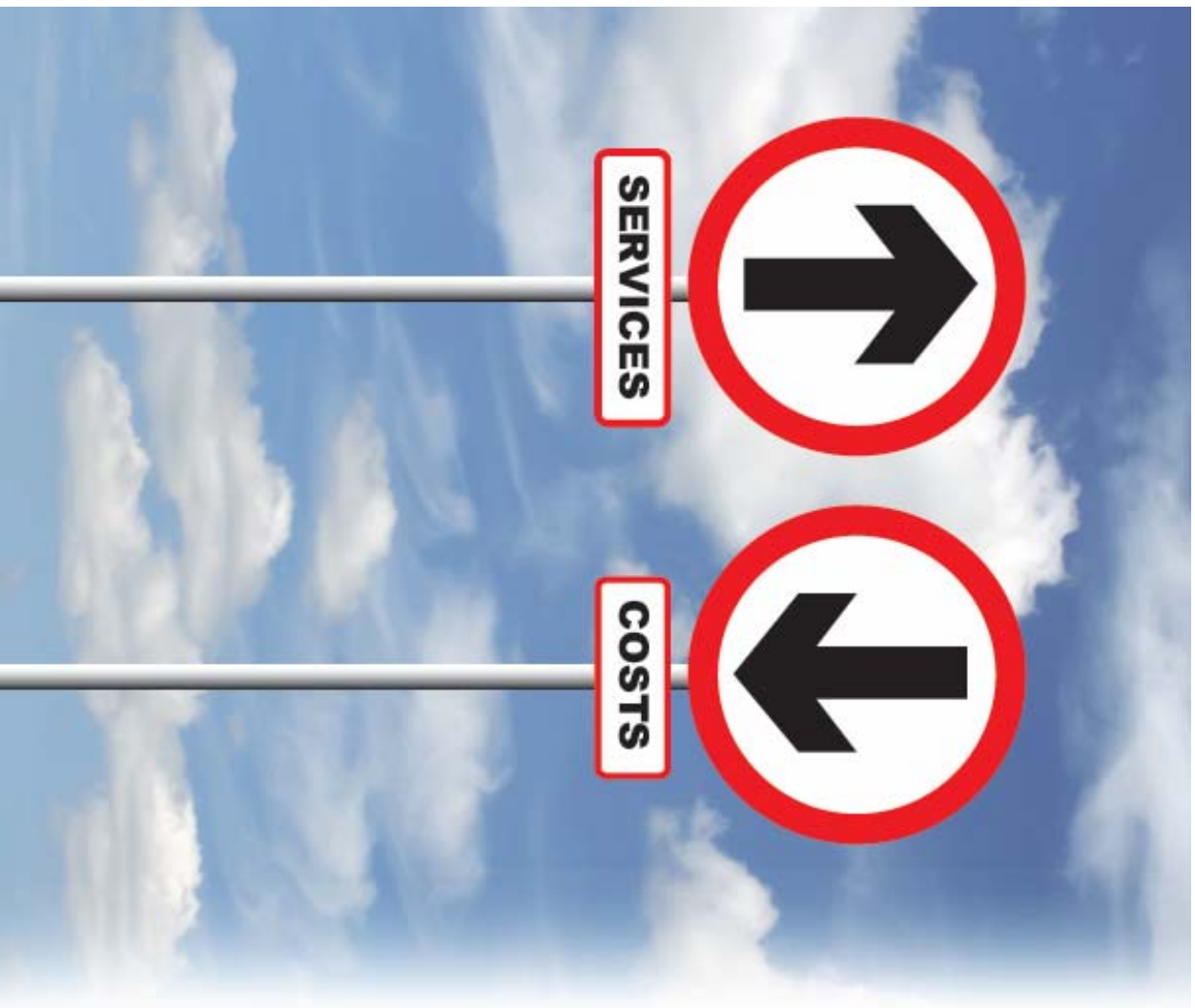
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<sup>1</sup> ‘Gung Ho!’, Ken Blanchard and Sheldon Bowles

<sup>2</sup> ‘The 7 Habits of Highly Effective People’, p176 Stephen Covey



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## ***Keeping Chief Executives out of the dock***

**The Bribery Act** has now received Royal Assent. The Act repeals the common law offences of bribery and embracery and creates several new offences carrying a maximum penalty of 10 years imprisonment or an unlimited fine for which employees, directors and officials of commercial organisations can be liable. The offences will come into force at a date specified by the Secretary of State in a statutory instrument. **The Act creates the new offences of:** Bribing another person (S. 1); Being bribed (S.2); Bribing a foreign official (S.6); and A commercial organisation for failing to prevent bribery (S.7)

The Act completely overhauls the UK's anti-bribery legislation which was old and had been subject to serious criticism internationally. It is far stricter than its counterpart legislation in the United States, the Foreign Corrupt Practices Act (FCPA). The only defence is if there are "**Adequate Procedures**" in place, designed to prevent/stop incidents of corruption. This phrase is not defined and it will be for the Secretary of State to provide formal guidance on the extent and meaning of this rather vague phrase. However – be warned, this will not set out a "fail-safe" check list and organisations must create a bespoke policy of their own rather than rely upon it.

One thing is clear.... there is likely to be focus on the culture of an organisation and it will be expected that business owners, directors and officials of an organisation must rule by example and clearly indicate and adopt a "zero tolerance" attitude to corruption on all levels. Further, they must ensure that this ethos is adhered to by third parties ("Associated Persons") and all those who perform services on their behalf. **The Act penalises senior officials whose "consent or connivance" allowed the bribery or improper dealing to take place.** Therefore, an offence could be committed by an official whose passive acquiescence allowed the bribery to occur. In such circumstances he would also be in breach of his fiduciary duties and would probably face civil claims too.

**Clear Message:** An urgent review of internal policies and procedures is needed with pragmatic steps taken where necessary to ensure clear policies are in place, implemented and understood by all parties. This paper is not intended as an exhaustive guide to the severe penalties which the Act imposes but, rather, as a prompt to encourage urgent and necessary action. Organisations should not assume that the Government and Regulators will be deflected from enforcing the new legislation. Recent indications are that corporate and individual failures to take action to prevent bribery will meet a tough response. Richard Alderman, Director of the Serious Fraud Office (SFO) when giving evidence before the Parliamentary Joint Committee said:

**"Society is entitled to expect of the corporates these days that they have adequate anti-bribery processes and that those processes are carried out throughout the corporation. If there is a significant failure then it is a Board level failure"**

Following public outcry over the antics of the banking and financial world it appears evident that there will be no mercy given to those officials who breach the Act. In January 2009, the Financial Services Authority (FSA) fined insurer Aon Limited £5.25m which was the largest FSA fine to date for a financial crime offence – for not taking reasonable care to establish and maintain effective systems and controls for countering the risks of bribery and corruption. In September 2009, the first prosecution was brought in the UK against a company for corruption abroad following an SFO inquiry. Mabey & Johnson Ltd – a manufacturer of bridge equipment - admitted paying bribes to win contracts in Jamaica, Ghana and Iraq. It paid out nearly £6.5m in fines, confiscation orders,

costs and reparations. That case comes after the £2.25m fine imposed on Balfour Beatty to settle allegations of bribery, a settlement that was widely criticised for being too lenient.

**Take Action Now:** Senior officials must show leadership with training provided throughout the organisation to raise anti-bribery awareness. Numerous functions need to be involved in developing, embedding and maintaining an anti bribery programme. Mechanisms for support staff, such as compliance, help lines and ‘whistle blowing’ facilities need to be established.

**Establish Governance Structures:** Your anti-bribery programme should involve a number of functions which act as corporate gatekeepers. These could include a specific compliance function (in larger organisations). Legal department, internal audit, finance and HR all have roles to play and their relationships in terms of the anti bribery programme need to be clearly specified.

One individual should be given specific responsibility for the anti-bribery programme. This individual should be designated as the Chief Compliance Officer – the role sits well with Council Monitoring Officers. The individual should ideally have not only sufficient knowledge and expertise in anti-bribery compliance but also experience in running programme implementations. Oversight arrangements also need to be established, for example, involving a non-executive committee (or working group) with a compliance remit – this may be the Audit Committee or a Risk / Compliance Committee.

The committee’s membership and powers need to be defined, together with its relationships with other non-executive committees, the Board and staff who report to it. Your programme needs to include a risk assessment which should embrace all areas where there is the possibility of bribery occurring. Examples include: Third Party Intermediaries and other business partners; Gifts, hospitality and entertaining; Facilitation payments; Political and charitable donations and lobbying activities; Conflicts of interest; and Bank Accounts, cash and petty cash.

**Embedding the Framework:** This should begin with the communication of the code of ethics or conduct embraced by your organisation, including the core values and its supporting policies. Naturally, employees will need training to help them understand how bribery and corruption can arise and to identify situations when they and the organisation may be at risk. Individuals do not need to be legal experts but must be able to spot a possible issue and know how to go about making the correct decision, including where to go for help, advice and support. This advice should be provided through an appropriate decision support mechanism overseen by the Chief Compliance Officer / Monitoring Officer.

Processes need to be solid and identifiable in order to instil employee confidence in them. They should clearly illustrate how matters should be addressed including their escalation to senior levels with follow up and investigation processes. These may be similar to, but entirely separate from, Whistle Blowing facilities. On any view this Act, whilst long overdue and necessary, is poorly drafted, open to interpretation and difficult to “police.”

**Time and Resources:** The need for organisations to commit sufficient time and resources to the development and embedding of an appropriate anti-bribery programme has been highlighted above. Such a programme needs to stand up to scrutiny and your risk assessments must determine areas of potential high risks and ways to mitigate them.

**“Adequate Procedures Defence”:** A defence to the “corporate failure” offence exists if you can show that you have adequate procedures in place. The burden of proof rests with the organisation and procedures will need to be evidenced in practice. As indicated earlier, the involvement of an organisation’s top management in the ‘failure’ will be taken into account when assessing the adequacy of the procedures in place.

Experience shows that, the work involved in implementing any framework such as that described above across all areas of an organisation – and reviewing it’s effectiveness – is considerable. It can take several years to complete and involves many hours of internal and external expert time. However, given the stringent penalties which the Act imposes, it will be time and effort well spent.



## ***Leadership in Hard Times and Lessons from Romania***

Local Authorities have a key leadership role within the communities they serve and via strong leadership they are able to add vital and unique value to these communities through the services they provide.

Local authorities are the only over-arching locally elected body in the UK and have a uniquely democratic role within the locality. They perform this role in a number of ways, for example by planning strategically, bringing partners together, joining up local services, developing a shared local agenda, providing high quality local services and engaging with customers. However, they must balance this with the demands placed on them in relation to their performance, in particular the growing need to provide “more for less” and this has to be delivered with strong leadership in the face of challenging times for the sector.

There are increasing demands being placed on local authorities not just for their services but also financially in terms of the funding available to them to deliver these services. With capital receipts for the first 3 quarters of 2009 at just £800m compared with £3.5bn in 2007, local authority income has clearly reduced and will continue to do so for the foreseeable future. Authorities are being asked to make more and more savings such as £4.1bn by 2013/14 across the public sector in back office operations as stipulated by the Operational Efficiency Programme. Not only this, they are faced with longer term problems such as an increasing ageing population and the associated long term costs involved. So how will the sector face the challenges that lie ahead?

***Collaborative working represents a key approach to the challenges*** faced by authorities and will allow them to make significant efficiency savings. Indeed, many examples of this can already be seen in the form of joint ventures and shared services, for example, sharing legal services between county and district council. This has been taken to a higher level with the advent of Total Place, a new initiative which identifies and avoids overlap and duplication between organisations, through working together to deliver improved services at less cost. Local authorities play a leading role in such initiatives which, with the right leadership model, have the potential to transform public services in the UK.

### **Lessons from Romania**

We are fortunate to be in a position to take on such new initiatives as in many ways, authorities are starting from a reasonably high standard in terms of existing infrastructure. However, how would the leadership role of authorities be viewed if the starting point in terms of infrastructure was close to zero? I pose this question having just returned from my second business trip to Romania. During my visits I was fortunate enough to meet a number of presidents from county councils and several mayors of city councils, as well as council officers. What stands out for me is the very clear leadership role that these organisations have and how seriously they take it.

By contrast with this positive approach is the result of years of public sector neglect in the country which has taken its toll on the most basic of amenities which has seriously hampered the efforts of those working for the councils. This includes essential elements like the road infrastructure which is so critical to the delivery of many of the councils' visions for their areas.

Everyone that I met had very clear objectives and priorities for their authorities and these carefully reflected both the special needs of the communities and the aspirations of the authorities to improve the well-being of the area, whether aesthetically or through providing services that will generate income for the area. However, much like ourselves, the main problem is finding the finance to fund these projects.

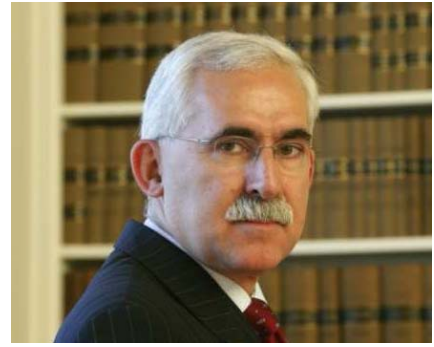
As soon as one ventures out of Bucharest and into the provinces the infrastructure problems become more acute. Just getting to the provinces is a challenge in itself due to the limited road infrastructure and the almost non-existent rail network. Romania only has two stretches of motorway, each about 60 miles long which creates huge challenges for counties such as Arges, with ambitious plans to bring tourists into the region which they believe will generate revenue, increase prosperity and ultimately improve the wellbeing of its communities. However, they have the fundamental problem of how to get tourists to the area when there is not an adequate road or rail network to get them there. The more remote one travels, the greater the problem becomes.

In addition to the lack of infrastructure, Romania is experiencing the same financial challenges as ourselves. With the need to reduce costs, one solution has been to propose a 25% pay cut for public sector employees in Romania, which not surprisingly, has resulted in demonstrations by public sector workers.

However, a determination exists in the country with many examples of innovation. One example is a sector in Bucharest which has a need for over 50 after school clubs. That sector is leading by example by providing a much needed after school club itself. The aim is to demonstrate to the private sector that this is viable investment so that more after school clubs can be established.

### **Concluding remarks**

In spite of all the challenges faced by authorities in Romania, I have been impressed by the determination of the leaders of these organisations to succeed with their plans, as well as their resourcefulness in getting the job done. While leadership models within local authorities in the UK are more sophisticated and we already have a high level of existing infrastructure in place, what both the UK and Romania have in common is the ability to rise to the various challenges that we are faced with through resilience and strong leadership models, whether this is to overcome infrastructure problems or respond to the challenges such as Total Place.



### *Leadership in a changing legal environment*

What characteristics should a leader have?

You will have your own list and experiences. Mine would include some basic attitudes and beliefs which run through most effective leaders. In my opinion, the following are essential:-

- a) **Integrity** - someone with the same core values who is always unflinching in his beliefs...
- b) **Dedication** - taking whatever time and energy is needed to accomplish a task he has set for himself and others until it is complete. Leading by example.
- c) **Vision** - a leader sees the road ahead more clearly than those around him, he has mapped it out in his own mind and once he has done so has little doubt as to the outcome.
- d) **Communicator** - unless the leader can impart his vision and convince others to follow his plans for the future of government, business, whatever organisation he leads, he will fail; the vision will crumble.
- e) **Humility** - a leader who is incapable of empowering others to assist him in his task will fail; he must also learn to delegate and not meddle once he has done so.
- f) **Openness** - a leader must be a listener and not assume he is right all of the time; he must allow room for the expression of others. Respect from his team will follow if they buy into the vision and are encouraged to contribute to it.
- g) **Lateral thinking** - a leader has to be able to think out of the box and work his way around otherwise seemingly impossible problems.
- h) **Fairness**, - is a given treating everyone the same and being seen to be a leader with this characteristic means he will have a loyal following.
- i) **A sense of humour** - Dwight D Eisenhower once said "A sense of humour is part of the art of leadership, of getting along with people, of getting things done."
- j) **Assertiveness** - **not** aggressiveness is essential I suggest stating clearly what the leader's vision is and what his expectations of others are.

With the impending legal changes under the Legal Services Act 2007, I believe leadership skills to be even more under the spotlight. Local Authorities, Law Firms, Barristers Chambers and other organisations involved in negotiations to secure legal services of the future, at a fair price for everyone, are going to be guided by leaders who can be firm but fair, inspiring but with their feet on the ground, have one eye on cost but be alive to innovation and new ways of doing business.

Will this mean more mergers in the private and public sector? More rationalisation in the number of suppliers? More outsourcing on best value tendering of all legal services? Probably so.

In such challenging times, the need for good leadership will be paramount and St Phillips Chambers is well positioned to help local authorities.



### ***‘In the Beginning...’***

Reading my copy of ‘Firing up the Passion for Excellence’, it reminded me of the words I used, as the First President of The Association of District Secretaries at our initial Conference at Weston-Super-Mare in 1975 as follows:-

***“We shall be judged by our actions as professionals. Let us be sure that our expertise, integrity and loyalty, cannot be called into question. With members of such calibre the future of the Association is assured”.***

The current state of the Association, its activities, involvements and initiatives confirms the high standing it has achieved with its professional contemporaries and other bodies.

You may be wondering why our President, Dr Ahmad, invited me to contribute to this publication. Well, as I have previously mentioned, I was at the birth of ADS, and the Local Government Chronicle subsequently called me its *Founding Father*.

#### **My journey**

In 1974, I was the Clerk of Wayland Rural District Council (Norfolk) and on the 1<sup>st</sup> of April 1974 became the Secretary and Deputy Chief Executive of Breckland District Council. Subsequently, I moved to East Sussex to be the Chief Executive of Rother District Council.

My entry into local government was quite fortuitous. I did not achieve a Grammar School place, so at the age of 14 in 1938, I went to work as an Office Boy in a local builder’s office. In 1939 I went to work in the City of London as a Junior Clerk in an Export and Import Merchants. During this time, as a member of the Scout movement, I was enrolled as a ‘Scout Messenger’ for Civil Defence and was stationed at the local Council offices. Early in 1941 the offices in London were destroyed in an air raid and so with nothing to do I resorted to the Council Offices to see if I could be of assistance until my London firm found new accommodation.

It was at this juncture that the Clerk of the Council asked my reason for being there in the day time. Upon explanation he enquired whether I might be looking for a job. As a result I started work as a Junior Clerk in the Clerk’s Department as temporary staff. In August 1942 I joined the RAF and completed 5 years war service as a technical NCO in the UK and India.

On demobilisation in 1947, I served my Reinstatement Notice on the Council who were obliged to take me back. The transition back to civilian life as Junior Clerk was not easy – a problem shared with my contemporaries. In 1948 I had to compete, with other applicants for my own post and was duly appointed to the permanent staff. That was the first of some 27 short lists, I was to attend in the next 30 years during which I served nine local authorities retiring in 1984.

Many current members and others reading this will not have been born when I commenced my local Government career and, undoubtedly, the nature of the job and working conditions have changed.

By now you will have gathered that I am not a Solicitor although I have acted as advocate at local planning enquiries and instructed Counsel. I am a qualified Chartered Secretary and hold the Diploma in Municipal Administration. Both qualifications obtained via correspondence courses and home study.

### **The present**

I have had to remind myself whilst writing this article that times are different and the restrictions and requirements placed upon you are more onerous than previously experienced. I believe the service no longer trains local government officers, only specialists. With larger departments this is inevitable but this does not make staff as flexible as before as their knowledge is more restricted.

To be a little more controversial, I noted one contribution to an earlier 'Firing up the Passion' publication making a suggestion that every Returning Officer should have a Solicitor at his elbow. I can hear many of my late colleagues turning in their graves. Agreed Elections and the Count are complicated and there are many pitfalls, but that has always been the case since the inception of the Representation of the People Act 1949.

I recall one of my professionally unqualified Clerks of the Council responding to Scofield's textbook on this Act on the morning it was received, with an errors and omissions list. It was kindly acknowledged. Some of you may find it surprising that a number of Clerks of Councils, in my earlier years, were not qualified. They were, however, very experienced, able and dedicated people.

Talking of change, of course, we had none of the electronic aids or communication, available to you today, for example Government Circulars always had to be carbon copied by a typist on, probably, a manual typewriter. My copy always seemed to be the last and faintest. I suspect that many Chief Officers today find it difficult to have a one to one relationship with their Junior staff, which is essential for the development of the individual's career. I appreciate that the larger departments brought about by reorganisation has placed Chief Officers in this situation.

### **Concluding remarks**

In my view such training and encouragement is an important factor in formulating a career pattern for an individual's progress. Certainly mine was. One factor which you have to deal with that we did not is the increased political environment and the involvement of paid elected members which must require much tact and compromise.

If these reminiscences are a mistake please do not blame the President but put it down to the meanderings of a retired 87 year old colleague who, gambled £80 to book a room at The Grosvenor Hotel, in London for a meeting which resulted in the formulation of ADS, which in course of time became ACSeS.



### ***A cheer for professional association***

When I was starting Articles I recall a grandee of the Law Society saying that a professional person (Solicitors no doubt in mind) was “someone who was paid so that he could work whereas a non-professional person worked so that he could get paid”. At the time this struck me as an interesting little tangle of words which defied my experience of the world and placed a small fig leaf around the fact that the man in question was a senior partner in one of the magic circle firms. So I imagined that he was being paid quite a lot so that he could work.

However I did know that he was making a point about society and its need for institutions, values and buttresses for stability. This said, things lay dormant in my mind over the years but latterly the mantra has started to throw out a shoot or two.

**My reflections on the past:** It is a pretty bleak landscape that we face and we need to rethink and do so quite quickly. I am not just talking about the economy or the impending and truly drastic cuts in the public sector which have to be imposed in order to protect Banker’s bonuses. The fact is that over the last 25 years or so there has been a truly devastating decline in the status, influence and even the existence in some places of the Local Government Legal Service.

When I started in Local Government, the legal service knew that it had not just a role in Local Government but that that role was pivotal. Since then every Local Authority reorganisation, whether national or local, has tended to lower it further and further down the status ladder. Also on a day to day basis when senior officers are considering change or projects, at what stage do they consult their in-house solicitors. Is it at the end of the process or somewhere near the beginning (or not at all).

And over the same period there has been another change. Again when I started my career, public and private sector solicitors barely spoke to each other. Now they are talking all the time. But in truth the private sector has raided the public sector and cherry picked its’ requirements. The private sector is now the research and development department behind Local Government. It is also the essential ingredient for any team involved in projects or change within Local Government. The partnering ethic and numerous other factors have resulted in a public sector legal service which looks to the private sector as a matter of course for its training, for its research, for its vision and for its energy.

**Potential failures:** Part of this transformation is the failure of Local Government Solicitors and, in particular, the huge membership to value their own professional existence or exert themselves in that direction. Of course it does not help that separate professional bodies exist in the form of ACSes and SLG and it is to be hoped that this can change. What is needed is one body that can begin to pull the Local Government Legal service out of the despond into which it fallen and it is to be fervently hoped that a bit of vision and realism will break out sooner rather than later. However that is a fairly obvious point and not really the main theme of this article.

With the exception of the topic of Governance, where there is a degree of parity at the top table, there is virtually no field of law where the private sector is not involved as an absolute necessity for anything remotely serious. It is emphatically not the theme of this article to bemoan the value or use of the private sector or the value of partnering and there are many situations in Local Government where the use of the private sector legal resource is essential.

But in the old days (may I ?), in my region of the country, there used to be an attendance rate at Local Government Group Branch meetings of as many as 75 solicitors and trainees from all levels, quarterly, on a Friday night and most stopped for a sit down dinner afterwards. Now, for many reasons, you can be lucky to get 10 ageing souls at lunchtime and the best you can hope for is middle of the range sandwich, to be eaten at pace, and listen to an external lawyer or barrister on a specialist subject spreading the word that they have a product and are available to sell it to you. The best therefore is what I would call “grab and go” training with precious little in the way of genuine social or professional intercourse amongst the Members.

**Re-kindling self-confidence:** The Local Government Legal Service need to re-find its self confidence in all the general areas of Local Government law if it is to have any chance of reversing the decline in its general reputation both inside and outside the Local Government circles. It needs to project itself and become again the real custodian of Local Government law and the application of that law to affect people’s lives.

It also needs to re-find and re-believe in the true values of the practice of Local Government law in a non-profit making environment. The root distinction between the public and the private sector is that one is commercial and the other is not, and that distinction applies however much it is dressed up as eg strategic partnering. The difference is that the private sector must see everything as turning a profit. That is the fundamental of its existence. That is not wrong of itself and is of course a real driving power, amongst other things, for quality. The public sector may need to and even may want to live with that but recognise it is must.

The public sector lawyer’s values derive from strong attachments to strong local democratic organisations; ethical dealing; the ethical process, and the pursuit, through that, of the Common Good. They are freed of the personal commercial imperative. They are genuinely people who are paid so that they can work (although they are not paid enough). They use their professional qualifications so that they can improve the collective local common good in a fair, just and equitable manner. They are there truly help individuals and families achieve their own bit of the common good, in order to progress individual quality of life and the experience of individual application and use of rights and responsibilities and the acquisition of property, sufficient to sustain lives within the community. It is a pivotal role in the conduct of the state. And tangentially it is a recognition that commerce should be the servant of society and not its master.

**Reasserting the public sector role:** The role of the public sector lawyer is pivotal to the realisation of that train of thought and belief which is one reason why the public sector Local Government lawyer is so important, particularly at the application end of the supply chain. However, part of that possibility of re-asserting the importance and role of the public sector lawyer is a re-evaluation; a realisation; a re-appreciation and a re-establishment of the value of professional association.

If Local Government Solicitors are to regain respect from others and their own self esteem, they will need to re-find themselves and regain their strength and resolve and one way forward is through professional association. Not that is, association where the first question is what can I get out of this but, rather, what can I put in. It is the giving which is so important. Forget “grab and go” and BOGOFF. It really is a time for “and so my fellow Americans ask not what your country can do for you - ask what you can do for your country” (John Kennedy).

It is a commitment to being active; to making a contribution; to becoming a specialist on a branch of law; to having the courage to assert knowledge and skill, combined, to become known and respected. It is the understanding that a singular feature of the reason for existence public sector lawyers is the application of value driven advice and legal practice. It is nothing short of reclaiming your collective name and birth right and without a name you can have no pride or self worth or even in some cases existence. I am talking of identity loss and identity theft.

**A potential health warning:** I am conscious as I write this at the end of May that there should be a health warning on the article – a best before date. Things are moving so dramatically that the only way to keep up is to Blog. A stake in the ground is washed away almost as soon as it is banged in. The Queen's speech has just been made. What is, eg, going to happen in Education.

What will be the longer term of effect of the changes proposed on the services so fundamental to our country.

It is a time of huge change and no-one is better placed than the Local Government practitioner to speak about that and there never was a time when speaking out was more urgent or that there was such a good chance of being listened to. That speaking out could and should be done through association.

There are personal action plans to be made by all who care about the Local Government Legal Service – if you are a Chief legal Officer, and whatever your views on ACSeS and SLG you have a clear interest and responsibility in this matter, you can decide to properly support professional association for those in your office - there are numerous ways in which you can do it but the support needs to be sustained, tangible, active and high profile, and at the least you can encourage attendance and at best you could also encourage office holding.

### **Time to believe**

If you are an SLG member take an active part in association and make a contribution – be a branch chair, be a secretary, join the local executive as a representative, be a SIG convener, go to Branch meetings and speak, join in and/or start email discussion, go to SIG meetings and prepare contributions; seek outlets for articles and raise your own external profile; make yourself a leader on public sector law; support and use the website. Above all start to believe – maybe then people will start to take notice. Maybe then you will ultimately be paid better!



BALGPS is a direct successor of the Society of Local Government Barristers, which had been in existence since about 1945, and of the Bar Association for Local Government, which had been formed in 1977.

Membership is open to all barristers employed in Local Government and the Public Sector (including those in the civil service and in the armed forces) and bar students.

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***“Knowing me, knowing you . . .”***

If every up has its down, so every virtue has its corresponding vice. The courageous can be effective but insensitive, while those with sensitivity ineffectual. The ambitious can win all the prizes but can create the enemies on the way up that eventually facilitate an inglorious journey down. And the wily political operator can sometimes come ironically unstuck through the artful political operations of others.

So for a leader to thrive, some pretty penetrating self-knowledge (as well as similar insight into those being led) is likely to be indispensable. Shakespeare was good on this, creating as he did a succession of tragic ‘heroes’, each with a destructive flaw. And their experiences can provide leaders with some vital understanding of that most complex and infinitely various of the resources at their disposal – their people.

**Stakeholder Skills – Coriolanus**

Coriolanus, for instance, had all the admirable virtues of his imperial Roman day, in particular, as a renowned warrior. However, there was a black hole in his brain where tact and diplomacy should be and he regularly took ‘blunt’ beyond its outer limits. For instance, early in the play (having addressed the hungry multitude as ‘dissentious rogues/That, rubbing the poor itch of your opinion/Make yourself scabs’) he goes on to say that anyone who depends on their favours ‘swims with fins of lead/And hews down oaks with rushes’.

But when Coriolanus needs to seek popular approval before appointment as consul for heroic war service, he cannot bring himself to do so graciously and his aggressively contemptuous attitude eventually leads to his banishment. Even as he leaves for exile, he hurls a hail of insults: ‘You common cry of curs. . . whose loves I prize as the dead carcasses of unburied men’. Unfortunately, his personal flaws eventually assist his destruction.

*Coriolanus* illustrates that ***talent and ability are certainly not enough*** in themselves to make a good leader. Successful leaders are those that attract people willingly to follow. The softer skills are therefore just as important. The abilities to win hearts and minds through persuasion and to carry people forward on a wave of positive energy are just as important as the capacity where needed for tough-minded decisiveness. The trick of course is to race the right horse on the right course and to be able to play right across the keyboard, depending on what circumstances require.

**Lord of Misrule – Richard II**

Getting the job you’re looking for is, of course, just the start, as the tricky bit is making a success of it. This was where Richard II was a triumphant and award-winning failure. For a noxious cocktail of abuse of power, the capacity to make unnecessary enemies, self-indulgence, reliance on sycophants (the ‘caterpillars of the commonwealth’) and ultimately destructive self-pity were eventually to bring him crashing from office. As elder statesman, John of Gaunt, famously put it to him: ‘A thousand flatterers sit within thy crown’. And under Richard’s misrule: ‘England, that was wont to conquer others/Hath made a shameful conquest of itself’.

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<sup>1</sup> Nicholas Dobson is also ACSeS’ Communications Officer

Richard's approach to leadership floridly ticks all the wrong boxes. Whilst a measure of personal ambition is understandable, leadership is essentially a trustee function for the benefit of the organisation and its 'beneficiary' stakeholders. Leaders who breach that trust and are seen as self-serving and will not last long. Neither also will those who, when they achieve their desired post, give up paddling and allow themselves to float placidly downstream. For as the old saying goes, **only dead fish swim with the current**. Leaders should therefore constantly be inspiring their people with vision and energy for the journey ahead and not resting on withered laurels or fighting yesterday's wars.

### **A sense of Proportion – Timon of Athens**

But in any leadership role a sound sense of proportion is vital. And, in what former football pundits might once have called 'a play of two halves', Timon of Athens sumptuously illustrates the potential consequences of a vacuum in this area. For by the middle of Act 3 Timon has managed to migrate from reckless philanthropy to infinite misanthropy.

At first Timon lavishes every generosity on 'friends' and hangers-on (like a pre-crash banker but selflessly and for love of others). As he says, '...I could deal kingdoms to my friends/And ne'er be weary'. But things turn decidedly sour when, unable to pay his debts, Timon is refused help from his apparent 'friends'. So he decides to hold a rather psychopathic supper, surprising guests by serving up dishes of warm water which he then dashes in his false friends' faces calling them: 'Most smiling, smooth, detested parasites'.

Now it is true that most leaders are unlikely to be as naïve or as channelled-thinking as Timon. But it is nevertheless easy to get stuck on the rails of an approach that has once worked but may not now be what is needed. **Good leaders will understand the spectrum of human behaviour and motivation** and will be constantly seeking to match available skills to current requirements. Timon failed by insisting on constructing the world to his own particular vision. So when he felt benign the whole world was seen as benign and he failed to give any small credence to countervailing voices such as from the cynical philosopher, Apemantus.

But equally when Timon's golden vision dissolved to corrupted rust, his universe changed with it. So a once loved and popular man drove himself to destruction through one-track mindedness and lack of proportion. Good leaders, on the other hand, will understand and accept the multifarious light and shade of human behaviour and seek to weather the inevitable storms with a fair humour.

### **Seven Ages**

Eventually of course it will be time to move on to other things. For the constant challenge of the new is needed to ward off the complacency and other shortcomings sketched above. And both leader and led can become too familiar with each other and start to function a little too comfortably. For motive force needs continuous energy.

The melancholy Jaques in *As You Like It* in his famous 'seven ages of man' speech might also help put things in broader perspective, **encouraging leaders to take the long view** where appropriate and ensure their work-life balance remains fairly struck. For seeking 'the bubble reputation' will all too quickly give way to the later and less dynamic stages in life's 'strange eventful history'. But as mentioned at the beginning, leaders will certainly need incisive insight into both themselves and those they are responsible for leading.

Or as that well-known scholar of both Shakespeare and Abba, Alan Partridge, would no doubt put it: *Knowing me, knowing you*.

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