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Accountability



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Jaco Marais: Hello and welcome to the public good podcast. Today we will be discussing the Nolan Principle of accountability.

I'm joined by Rob Whiteman CBE, chief executive of the Chartered Institute of Public Accountants and Finance, and also by Janice Smith. She's a senior consultant here at the Good Governance Institute, and she's been a lawyer for her whole career, working with Capsticks Solicitors for most of it, where she did - what are they called, medical negligence claims, right, Janice?

Janice Smith: Yes, medical defence, and then governance.

Jaco Marais: And then governance for the past 13 years now?


Janice Smith: Yes.

Jaco Marais: Accountability: who holds who to account? What is the role of the regulator? Does the public have an effective way to hold leaders to account and what can be done better?

What do you understand by accountability, Rob?

Rob Whiteman: Accountability is that we take ownership for our decisions, we have a sense that what we are doing must be the right thing,





and we should be held to account for doing that. Now, it's complex in a public sector organisation in that I think public servants feel a sense of accountability to their political masters or to their board or to their councillors, if you're in a local authority, or to ministers if you work in a government department.


But actually, we have a sense of accountability to the public as well. I think that that sense of accountability is really important, in order to help people make very tough decisions.

So public services invariably are about making priorities, and we have to make tough decisions. I think if there's a sense that we're doing that out of capriciousness, it would be a very unappealing role. I think the sense that we're held to account for what we do, and we're going to try and do the right thing, but that we're accountable for it – although that can be uncomfortable – actually I think it makes our jobs bearable. Because otherwise, if we didn't have a sense that we are accountable to the public, and to a board or ministers for what we're doing, I think the level of personal pressure that one would be under would be enormous.

I like to frame it that way because I think it's the opposite of the way that we often discuss these things. Very often, something goes wrong, and the discussion on accountability is that someone should get the sack. Of course, this can be true. But actually, I think accountability is a sense of ownership that we do the right thing, and I think that's vital in public sector organisations.

I'll be interested to hear what Janice says.

Janice Smith: I think accountability really is



something that, as Rob has said, you take on for yourself so you are accountable. You might take it on through a job, like being the chief executive who is an accountable officer in the NHS, or whatever, or you may voluntarily take it on. But it is something that comes with the role that you're taking on. There's a debate about accountability versus responsibility, and responsibility tends to be something that is given to you, that you're responsible for something in your job or whatever. So if we take an NHS trust, there is only one accountable officer, and that is the chief executive. And so it comes with the role that they're accountable, as Rob was saying, to the government, but also to the public. It comes as part of the role.

You will have a number of executive directors who are responsible and more junior people who are responsible for various parts of that



activity. But the accountability still ultimately rests with the accountable officer. Now, obviously, that can be expanded out and there may be some situations whereby the finance director will feel accountable for the finances, but actually they are accountable to the chief executive, as well as to the public. So your route, I suppose of accountability, might change a bit. But ultimately, it will be to the public.

So when we're doing a board review, we're looking at whether those processes and systems actually work properly. So for instance, quite often we find that a board subcommittee will have operational committees reporting into it, which in some ways is not the right route, because the accountability should be going up to the chief executive, and the information should come through to the board that way. So it's not that you don't get the information, but it's where the accountability line runs.

We may comment on that in our reports, depending on what you find in different situations. So for me, accountability is about something within the role that you take on, and you know that it's there, whether it's you taking on that role, or taking on that accountability.

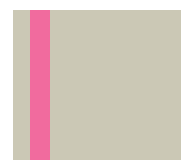
Responsibility, probably in the Nolan sense is part of it, but it's not the end part in accountability. I don't know if Rob agrees with that or not.

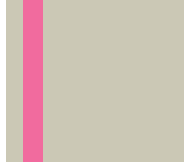
Rob Whiteman: I agree with that very much. Just to build on that a little bit, the Nolan principles can overlap a little bit can't they? But this thing of accountability is public, can overlap, we can talk about transparency. But I always say to people, we all make mistakes,

organisations make mistakes and individuals make mistakes, but the bigger mistake is to try and cover it up. In other words, if things do go wrong, we deal with them in an accountable way where we're held to account for them. I do say to people, you probably won't get the sack for making a mistake; you will get the sack for trying to cover it up. If you make a mistake, be accountable for it.

These things can be really dry, but actually the way that boards think matters a lot. It's a sad example to give but I remember once working with an organisation that on their risk register had that the reputational damage from a child death could be a risk to the organisation, and that if there's a child death, the reputation associated - an untoward child death. But actually, of course, that isn't the risk is it? The risk is that a child dies, not that we get a bad reputation for the child dying, and actually the risk register should say children dying is the risk, not that we may suffer reputational damage for a child dying. In other words, we're taking accountability for the actions and the outcomes of our of our work.

Jaco Marais: There's another side of accountability, that's a little bit more social. For example, the Dunbar number suggests that we can hold meaningful relationships with people in groups of 150. Some people argue it's five. I think those are the introverts. And others argue that it's 500. But there is a number of people where we can hold each other to account - it's about a loss of reputation, it's about not fulfilling the mission, it's about what we believe in, what our values are. I think this is the type of accountability that you have on a board. The board, ultimately, of an NHS organisation, have to ensure that there is an





NHS service and that they are fulfilling their mission to have quality services, free at the point of use.

Now for many people on waiting lists of two to three years, there is no NHS service, not for them. So how do we create a culture of accountability on a board and in an organisation?

Rob Whiteman: I'll give you two-pronged answer. Number one, you want a board that is big enough to have the right skills around the table in order that you've got the right outlooks and inputs. You want diversity of thinking, you want people with different perspectives that add to the debate. But you don't want it so big, that it's easy to sort of sit in the back row because you can't quite get fitted in. You want boards to be active places where everybody can participate. So board size is quite important.

However, whether the board is 10 or 20, you're influencing organisations, say in a hospital of 10,000-plus people or for large local authorities, or for government departments tens of thousands of people. So it's the framework in which you set.

Most people's relationship with work is via their line manager, or there may be some professional regulation as well. But the job of a board is not to directly manage everybody in order to hold them to account. You can't hold 10,000 people directly accountable. What you do is set a framework that groups of people throughout the organisation operate in a consistent way and are trained and understand what accountability means.

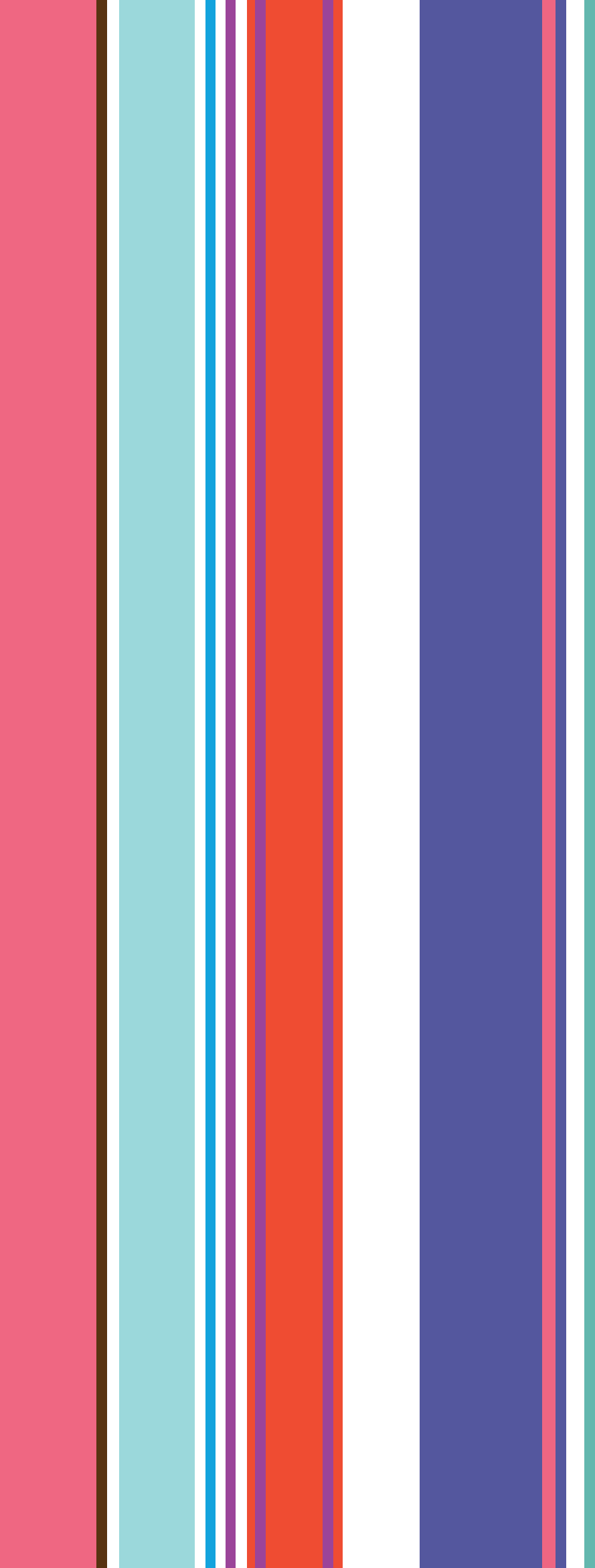
So as leaders and boards we want one

organisation with one set of values in order to get the benefits of scale but also expertise. But you have to reflect that actually an organisation is made up of tens or hundreds of groups, and actually your job as a board is to set the framework in which they flourish rather than to sort of manage this directly sort of Soviet style; actually, you're creating the ability for there to be talent and accountability in groups within your organisation.

Jaco Marais: I really like that idea of groups being accountable to each other, rather than to some sort of central entity that's disconnected. What do you think about this, Janice?

Janice Smith: I think it's an interesting one, because most NHS boards, which are the ones I work with primarily, although I also do charity reviews so I'm used to the whole trustee board situation, are about the right size to be able to do it. So I think research says 12 is ideal, because you can get to know people and work. But actually, I've seen larger boards than that work well as a board. And interestingly, just an example of that was I recently observed the first integrated board on the day of 1st July, when they all came, and I was working with one of them, and they invited me to observe it.

On paper, it looked very big, but actually, when we were there, it didn't feel that way. People were able to contribute. I mean, it had a very good chair, but people were able to contribute. And I really got the sense that that board will be accountable to each other. They were coming from different backgrounds, so there was some health, some local authority, some third sector; it was how the board is meant to be.



So I think that you need to work on that accountability; it doesn't just come. As a board, you need to actually be prepared to be accountable to each other. Having sat on the number of boards, including a foundation trust board in the NHS. It's something that you have to take on.

Interestingly, I was sitting on a board last night, a charity board where I'm a trustee, and one of the other trustees said – because it runs a number of different things, so you could say silos, although we try not to be that way – and one of the other trustees said, 'It doesn't matter where this issue arises, we are all accountable for it, because we are because we sit on the overall board.' I agreed immediately. I said, 'yes, you're right. We can't say that...' because we run 52 academies, it's Oasis Trust, and we can't say, 'because something's happening in the academy, that we're not responsible for it on the actual overall board.' Of course we are.

But there's an accountability there that you take on to yourselves to say that we're accountable to all of it. We're accountable for everything that's happening and to each other. So for me that other trustee did the right thing. She was reminding us of our accountability for the whole of the organisation.

Rob Whiteman: I think it's really interesting what you say, Janice. Accountability has different channels. Sometimes the channel is it's all put in a report, and we read the report and we agree it or not. But other times accountability is giving insight and giving – having a discussion on something in order to work through the full implications.

Jaco Marais: So the idea of accountability is to



ultimately achieve the aim that people set that they are collaborating towards. Now, we've talked quite a bit about the stick approach to accountability, and we've talked a little bit about responsibility and being accountable to each other, as well as having accountable officers and being accountable to public. What about the carrot approach? Do you think accountability can be motivational?

Rob Whiteman: Yeah. It's funny you asking the question, Jaco. I've got three children, and like any parent listening to the podcast, I've made loads of mistakes and I wish I could do it all again. But something very sweet that one of my kids once said to me was, 'the thing is, dad, it really knocks us sideways when you're critical, because you so rarely do it to us, you let us do whatever we want, and if you give a piece of advice or you're stern, it's so shocking, that we sort of take it really seriously.'

Well, I mean, I'm not quite sure that was true, I think they were being generous to me. But that is the sort of feedback you want, isn't it? Because on the whole, if you just give stick all the time to one's children, or to one's peers, or to one's board colleagues, actually it becomes pretty one dimensional. Actually, you want to give people the space and freedom to learn how to do things. Because there's accountability is about taking responsibility, and you need space and freedom to do that. I would say if something is very rigid and always very controlled, and is always very stick-like, is that really accountability? Or are you just are you just telling people what to do? And actually, they don't feel accountable for it because it's so rigid.

So I think accountability needs a bit of

freedom, and a bit of space, and actually, you want to motivate people to do that to do the right thing, and that they feel accountable. I completely sort of think that the style and the tone that boards set on this is really important. Janice Smith: I think also, if I could add to that, it comes back almost to the first thing I said that accountability is something you take on for yourself. Maybe part of the job or role, but you take it on. Whereas responsibility often is given to you.

So accountability should be so much more positive, because it's something you are actively embracing as part of your role. So if you become a chief executive of an NHS organisation, you become their accountable officer, but you are taking that on as part of your role. But you agree to that. It's not just being thrust upon you, in my view.

Rob Whiteman: Yes. It's very interesting. I once had a great leader of the council, and we were we were taking a bit of stick at a public meeting where people felt that the pavement outside their homes hadn't been salted when it was icy, and they were giving the leader a bit of a bit of stick on this. He said, 'When did it become our job? 20 years ago, everybody went outside their front door when it was icy, and cleaned the pavement and put some put some salt down. We've never put out a notice saying please don't do that, members of the public, it's now the responsibility of the council. Don't hold me to account for this, hold yourself to account. It's your job!'

The trouble is this sort of – I suppose it's where Big Society ran into trouble, where actually, we should ask communities and people to take responsibility for things because that would be





better for communities to be accountable for some things rather than institutions. But it can slip into sort of left-right – we just want to make the state bigger or not bigger or pay less tax or more tax. It's a shame that it slips into that debate, because actually, it is better if communities can feel accountable for something rather than relying on an institution to do so. But then, as I say, this can slip into arguments about oh, people become dependent and we've got to end that dependency, and it can sound a little bit right-wing to put it bluntly.

Yeah. I suppose I'm a very proud Eastender, I'm a Cockney at heart. My mum's 93, and she lives independently. I'm trying to persuade her to have a walking stick at times, because her knees are getting a little – and she won't have it. She puts me straight and tells me not to suggest any of those things.

But I did say to her once, 'how do you get on and off the bus, mum?' And she said, 'well, someone always helps me.' There is something very nice about the East End, that people won't let you suffer. People have got the confidence to say, 'do you want a hand', and might get a bit tactile and push you in the right direction, rather than fear that sort of 'get your hands off me'. Actually, I'm very grateful that people help my mum on and off the bus and take responsibility for giving her a hand, because it keeps her living independent.

This is all getting quite complicated isn't it? We started off on board accountability. But now we're also talking about isn't it nice if communities feel accountable as well for the people that we're living with, and in holding ourselves to account on our boards for what we do, let's not pretend that we're omnipotent

and we can sort out everything. If we can build community capacity to step in, and that people feel accountable for the people in their community, it's actually better than us doing it. But as I said before, it's not a get out of jail card for us. Complex stuff.


Janice Smith It is partly the government. It is partly local authorities. But it can't just be them. There is some responsibility or accountability, I think, even for us to be involved in that in some way. One of the things that I would say about accountability in community is the number of food banks that have grown up, and they're all community-based or church- or faith-based in the main, they're not set up by the local authority or by the government. Now, it's a shame that we need them at all, but it is definitely a people feeling accountable to their community, for actually trying to make sure that people are fed.

Jaco Marais: Yes, accountability can take a very long time, and people need to be fed now or helped off the bus before it leaves.

Jaco Marais: What is the role of the regulator in holding officials to account?

Rob Whiteman: I don't always make myself popular by saying this, but where the government is introducing a bit of holding local government to account through the new Office of Local Government that Michael Gove introduced before he was sacked as secretary of state, I think that's a good thing. I think that mixture of light touch regulation to hold you to account is good for public bodies because it pushes them into the direction of wanting to learn from others.





So regulation should not be overly onerous. I think there are times where CQC and Ofsted can be onerous and start to affect behaviour in a way that isn't helpful. They can become too prescriptive. But I would never argue that you don't need CQC or Ofsted. There is a role for regulation. I just think that it should be the lighter touch regulation, the better, because then actually regulation does encourage people to learn from others. Regulation can be prescriptive and crowd out innovation, and the joy of the IDA was that that thousand flowers that bloom really did lead to some fantastic practice that you could then learn from other people.

So this balance, light touch regulation, but plenty of peer learning. Of course the peer reviews were used in central government. Gus O'Donnell the then Cabinet Secretary introduced capability reviews where departments would review each other. I think within organisations or between organisations, learning from each other is a really great way to ask some of these questions about have we got good governance, are we holding each other to account, have we got the right data, have we got the right relationship with staff, have we got the right relationship with the public? You can really learn from others, probably a bit more than you can learn from a regulator about whether or not we're getting these things right. So I'm very keen to encourage peer-to-peer learning.

Jaco Marais: Yes, and scarcity is real. We need to do more with less, and for most public services, especially education, it means they have to find a fifth more with the same budget. So sharing of best practice, and innovation is really going to become key.


Rob Whiteman: The problem becomes, Jaco, when we're really busy, and we're really stretched, and we're really tight for resources, these things can act against feeling that you've got the time to do what you've just said.

Jaco Marais: Well, it's not a priority unless nobody's going to come and check.

Rob Whiteman: Exactly. How do we how do we do those things even though we're busy, because actually, they're the way out of being busy? If we can make ourselves more productive, and learn some innovative practice, it will help.

Janice Smith: Yes.

Jaco Marais: So there is a time delay with inquiries and politicians have terms. There's the four or five year cycle – or, for example, let's name the example of Uber. It's come out that when they started, there were a lot of very bad practices, as highlighted in the Netflix documentary that you're welcome to watch. Now, they're being held accountable 10-12 years later when everything has been fixed, and all of the characters have changed departments, and nobody's left to be held to account. What do we do about that?



Janice Smith: I still think it's really important because to know that you may be held accountable, even a long time on, which is why you bring criminal prosecutions long after the crime has happened. Because people still need to be accountable in the sense of learning the lessons. I understand that they may not be able to be held accountable for that specific thing, like in Uber, but we can still learn from it and make sure that there isn't another situation where it happens again.

So I suppose that's more about learning than about accountability. But there are some very important lessons, for instance, coming out of the Grenfell inquiry, and will continue to do so. Many of the people involved with that resigned early on. I'm not sure how that will work, although there could be other things that come up later. But the lessons from Grenfell, it's almost like you're accountable to the public, aren't you? That's what we were saying. The public have the right to know what happened to cause that horrendous tragedy, and then how do we make sure it doesn't happen again.

I think also for the individual who is accountable, to know that they are still going to have to face that 10 or 15 years down the line is important, because you're accountable for the service that you are delivering, and you do that, as I say, you take that accountability on, but you need to know that that accountability doesn't stop the minute you leave office. If you've done things when you were in office, or not done things, in some cases, when you were in office, it can still come back to you to be explained and to be accountable for, and in some cases, they wouldn't ever be able to get a senior position again. In some cases, even there could be corporate manslaughter

charges and that sort of thing.

This is your stick, if you like, rather than your carrot, the fact that actually, you can't just do things willy-nilly, there's an accountability there, and it will follow you.

Rob Whiteman: Yeah, I think accountability is assisted by clarity. And if it takes a decade before we can get the clarity on how do we avoid that, that's better than not. Of course, to the public, it feels like there's no accountability. And yeah, how is it that we can clad a building in flammable material that kills people...

Janice Smith: I think that part of good governance is submitting to scrutiny as a board – viewing scrutiny and challenge as basically exercising accountable muscles – so that you welcome constructive challenge, and it helps you test your thinking and your decisions. It's very useful to have your reports and other things tested.

It's important for boards to stay open to challenge. We talk about it often as constructive challenge, and that's, I think, what it doesn't need to be, but the board does need to debate this from time to time on different issues, and not see it as something negative if people are bringing up – in fact, that's what audit committees should be doing quite a lot. Basically constructive challenge is a key part to you being accountable.

Jaco Marais: What's the future of accountability? What can we do better?

Rob Whiteman: I think we're heading for an era where we accept that accountability is a shared endeavour rather than the simplicity of





one person or one organisation are accountable for that and they will do it or not do it. We realise that we need other people or other organisations to do things in order for us to achieve things through system, and therefore we have to develop system accountabilities and system way of working, where we've all found it easy in our careers to have singular accountability, and now how do we build collective cross-organisational accountability so that systems feel as accountable as an individual organisation for the public.

I think that's the era that we're entering. One organisation on their own can't do it. But we don't quite yet know how system accountabilities work.

I think it's more about carrot than stick. If system just feels like another layer of stick, then actually system-working misses the opportunity of unlocking things that don't happen by singular accountability.

Jaco Marais: Small stick, big carrot.

Rob Whiteman: Small stick, big carrot.

Janice Smith: Or in my case, I might like a big ice cream, but that's...

Jaco Marais: I'm definitely up for an ice cream. This is the heatwave and all the windows are closed for the noise of the podcast.

Janice Smith: Just to add slightly to that, and that is I totally agree with you. I think as integrated care boards, integrated care systems get going properly, the whole thing is about collaboration

now, and we've moved away from, I think, the silos, Although I don't know - come back to your mindset yet whether we have really moved away. But that is the trajectory that we should be on.

I think that, as Rob was saying, we don't truly know yet what system accountability will mean, and that's something that needs to be worked out not just by the ICB and the ICS, but actually by all the individual parts within it as well. So that's the NHS, that's the local authorities, that's the third sector, etc.

I think that's going to be the interesting journey over the next probably few years actually, to try and get something that really serves the public, rather than serving the individual institutions that form - that make up the whole.

Rob Whiteman: Hear, hear.

Jaco Marais: Thank you very much, Rob and Janice, for joining me for this very interesting conversation about accountability.

Janice Smith: Thank you, my pleasure.

Rob Whiteman: Thank you.

Jaco Marais: I'd be interested to hear what you thought of today's discussion. But I think accountability is the glue that holds society together. If you have any comments or questions, please don't hold back. I look forward to responding to you on Twitter @ GoodGovernInst, or by email advice@good-governance.org.uk

