

# Sandwell Metropolitan Borough Council Best Value Commissioners

Rt Hon Michael Gove MP  
Secretary of State  
Department for Levelling Up,  
Housing and Communities  
2 Marsham Street  
London SW1P 4DF

20<sup>th</sup> December 2022

Dear Secretary of State,

We wrote to you on 20 June 2022 to update you on the statutory intervention at Sandwell Metropolitan Borough Council (the Council). In your Directions of 22 March 2022, you assigned us the task of providing you with six-monthly progress reports. This letter is our second report to you.

In summary, we are of the view that there has been significant hard work and considerable progress made at the Council in the past six months. There is still a lot of challenging work to be done but we consider the Council is on the right path to the sustainable improvements needed. In this report we update you on –

1. Progress against the single improvement plan – our views on the Council's letter to you.
2. Reflections on the further reviews conducted by the Local Government Association and Grant Thornton. (CIPFA follow up report is awaited)
3. Our view of the Council's current position in relation to our '12 proxies for success' as set out in our letter of 20 June 2022.
4. Priorities for the upcoming six months.
5. Our views on the trajectory of the intervention.

## 1. Progress against the single improvement plan

We provided a copy of the Council's single improvement plan (the plan) with our June letter. Our view was that the plan was ambitious and comprehensive in tackling the key areas that the Council needed to improve.

We consider the Council's view of its progress against the improvement plan, set out in its letter to you of 16 December 2022, provides an accurate reflection of what has been achieved and we agree with the Council's view in that letter that the Council has a '*much better grip on the key issues*' for improvement than it did six months ago.

The plan continues to be a very comprehensive document which is effectively monitored via monthly leadership meetings with commissioners present. Prior to these meetings, a detailed

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monitoring report is prepared which tracks progress and identifies any areas of slippage or concern. We find these meetings provide an effective opportunity for challenge, not only on the detail of the improvements but the pace of progress. We see areas where improvements may not be progressing as planned being effectively challenged, prioritised and solutions found. Progress against the plan is reviewed by cabinet via quarterly reports and meetings. The plan is considered by the audit and risk assurance committee and the budget and corporate scrutiny management board. The report to cabinet in December 2022 (included with the Council's letter to you of 16 December 2022) shows progress on the six themes within the improvement plan.

We have seen the improvement plan refined over the past six months as the Council has identified further areas where improvements are required - we consider this self-awareness a positive sign. An example of which is the work under the 'corporate oversight' theme relating to 'customer journey' - not a strand of work arising from the external reviews but an improvement the Council identified independently as being critical in ensuring best value and the best service for residents. We consider this is a significant piece of work which has the capacity to transform Sandwell's residents' experience with the Council. We have been encouraged by the commitment shown by the Council to tackle this area.

The improvement plan is supported by the Council's corporate plan and performance management framework. Coupled with changes to culture and behaviour, these arrangements have the potential to give the Council a robust and sustainable mechanism by which it will be able to seek, identify and action areas for improvement on an ongoing basis to ensure the Council continues to function well and discharge its best value duty.

We are reassured that the early commitment we saw from members, leaders and staff to deliver the improvement plan has been sustained. We are seeing significant progress as a result but recognise there is still a lot of work to be done.

## 2. Reflections from further reviews conducted by Grant Thornton and the Local Government Association

During September, October and November 2022, Grant Thornton, the Local Government Association (LGA) and The Chartered Institute of Public Finance and Accountancy (CIPFA) returned to the Council to carry out reviews on the Council's progress. It is unfortunate that a report from CIPFA is not available for us to report to you on at this stage. We shall provide an update on CIPFA's findings in our next report to you.

Feedback reports from Grant Thornton's follow-up and the LGA's progress review are attached for your information. In summary, we find both reports very encouraging and reflective of our views of the Council's progress and ongoing priorities and think that they will be very useful in helping the Council to further hone and direct its improvement work.

Grant Thornton's two reports will be received by cabinet on 21 December 2022 with Grant Thornton in attendance. The first report provides an update to original value for money governance review of December 2021. In their current follow up review, Grant Thornton report on 'significant progress' in relation to their three statutory recommendations and that 'the Council has put in place the foundations to deliver the sustainable improvements that are needed, and significant improvements are already being made.' They make four key recommendations alongside improvement recommendations but no further statutory recommendations.

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The LGA's feedback reflects the 'much greater stability ... both politically and managerially', 'much improved relationships between officers and elected members' and that 'external partners ... are seeing the Council now being much better engaged at that level' with 'Sandwell's voice now being heard more widely and the Council and its leadership felt to be making an effective contribution'. The LGA provide notes of caution around the intensity of member development work; protecting officer/member working relationships when resolving challenging case work and ensuring clarity on culture change and the customer journey workstreams.

We are reassured to see that the areas identified by Grant Thornton and the LGA as requiring further improvement are, almost entirely, already included within the Council's improvement agenda. The key recommendations made by Grant Thornton comment on culture, values and behaviour and being able to demonstrate sustainable improvement in governance and scrutiny of decision-making. The LGA acknowledges that the Council is delivering an 'extensive improvement plan' in addition to the challenges around finance and in delivering 'business as usual' which all local authorities are currently facing. The Council should be commended for requesting these follow up reviews just under one year into the intervention and then placing the reports in the public domain. This is no longer a Council shying away from scrutiny or unprepared to listen and learn but a Council demonstrating self-awareness and a maturity that was previously absent. Given the improved working relationships and arrangements for review, monitoring and scrutiny, we are confident that these reports will be carefully considered and incorporated into existing improvement plans.

### 3. [Our view of the Council's current position in relation to our '12 proxies for success' as set out in our letter of 20 June 2022](#)

In our letter of 20 June 2022, we advised that our focus in ensuring the Council had made '*sufficient improvement to be able to comply with its best value duty on a sustainable basis*,' was that positive changes made were properly embedded and able to endure. We considered carefully how we, as commissioners, could be confident that the improvements made would be sustained. We set out our '12 proxies for success' that we use to track progress throughout the intervention and against which we will measure the success of the intervention. We have considered each of these proxies.

#### **1. *The Council has ensured that a new permanent chief executive has been recruited successfully and is in post and supported by a stable and effective senior leadership team.***

With our support, the Council has now appointed a new permanent chief executive. The Council is content that this is an excellent and positive appointment. We agree.

We have seen positive change in how the leadership team operates with a move away from individual service areas towards a genuine desire to proactively work together – for example, on the leadership team's recent cross-directorate work on the cost-of-living crisis. There had been a need for more focus on operational and tactical management within service areas but we are encouraged to see more strategic thinking occurring and expect to see this develop further.

The leadership team now meet weekly with the leader and cabinet and in addition, weekly meetings take place between directors and cabinet members. We see increasingly effective member/officer relationships being built – as reflected in the LGA's report. Work on culture

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and values will support these relationships further and will provide a framework for ongoing director development.

As commissioners we will continue to seek regular meetings with the Chief Executive and leadership team in order to review, challenge, support and to look for demonstration of stability and effectiveness.

## ***2. The Council has demonstrated that it has an absolute focus on its residents and customers and is responsive to their needs and demands.***

We mentioned above that the Council had identified a need for wide-ranging improvement related to the 'customer journey'. Whilst the resident survey showed that many are happy with the service they receive from the Council (and the Council performed well and above national averages in many categories), there were significant areas in which the Council could and should be doing much better. The Council has not been satisfied with the positive residents' survey results but has been prepared to be self-enquiring, self-critical and confident enough to add this significant workstream to the substantial improvement work already underway. We feel this demonstrates the Council's growing desire to improve and get things right for their residents.

The scope of and governance for this work is in the process of being determined and is to be reviewed regularly by the scrutiny committee. We see commitment to this work from both members and the leadership team and this is encouraging. Over the coming six months we expect to see work on this area progress at pace.

The Council is taking steps to ensure their residents' needs are proactively considered, for example –

- There is a direct requirement for the views expressed in the residents' survey carried out earlier this year, to be directly included in directorate business plans;
- The Council has agreed a resident engagement strategy under which a further residents' survey is planned for Spring/Summer 2023 (post elections) in addition to the budget consultation and SHAPE surveys undertaken.
- Targeted work at pace to reduce backlogs of enquiries, complaints, freedom of information requests and subject access requests.

In other areas we are seeing the Council's increased focus on its residents – most typically in relation to the cost-of-living crisis and warm spaces with the Council producing a very helpful booklet detailing all its offers of help and support for its residents and in relation to decisions made – eg. on Walker Grange (as referenced in the Grant Thornton review). The residents' survey was statistically significant and the Council now has an ongoing agreed strategy for future resident engagement.

## ***3. The Council is showing signs of having greater political stability.***

This is an area in which we have seen significant improvement. Not only in the stability of the leadership and cabinet but in the effective working relationships and the quality and confidence of decision-making. There are now several examples of robust decisions based on clear evidence and with a transparency and reasoning which was previously lacking. Examples include the decision to develop the site at Brandhall for housing and a school – a decision for which the call-in process has seen the decision reaffirmed – the SEND transport contract, Sandwell land and property and the Sandwell Leisure Trust.

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We are seeing a growing confidence in decision-making at all levels and the removal of hindering attitudes of the past, with value for money and the focus on residents' needs at the forefront. We consider the improvements in scrutiny and audit to be a particular success (see proxy 4 below) and this will support better decision-making.

We are seeing increasingly frequent examples of very positive working relationships and mutual respect between members and officers – evidenced within Council meetings and the weekly leadership team meetings with cabinet. Work to be done on the Council's culture, values and behaviours and further member and officer training should bring further improvements and help embed this change.

These changes were recognised by Grant Thornton who reported that 'much greater stability can now be seen, both politically and at a senior level' and by the LGA who reported that cabinet and leadership team are 'working increasingly well at both a bilateral and collective level' and who commented, particularly, on 'glowing endorsements' for the leader, both internally and externally. We expect to see the levels of trust and confidence grow, particularly in light of the further work to develop and embed the Council's values and improved culture and behaviours.

Since our last report there have been three occasions where the confidentiality of a restricted report has been breached. Whilst, in our experience this can occur in councils from time to time, it is nevertheless disappointing. The Council has taken appropriate action – to attempt to identify the source, remind members of their responsibilities to the Council, increase training and development and organise more robust tracking and audit of report distribution as part of enhanced governance. We will continue to monitor this and will update you on progress in our next report.

Our next report to you will be following the Council's elections in May 2023.

***4. The Council has ensured that there are effective scrutiny arrangements and functions in place for Council decisions, and that members and officers demonstrate that they understand and respect their roles in Council business.***

We consider the Council's arrangements for scrutiny and audit have significantly improved in the past six months. Very effective scrutiny and audit committees are now in place with committee members engaged and committed to a thorough and robust scrutiny process. We are seeing debate, effective questioning and the inclusion of residents' views and representation in person. Previously the Council had no pre-decision scrutiny and this is now in place and effective.

We consider the Council's arrangements to now be fit for purpose and robust – we saw examples of excellent practice around the decision on Brandhall, Lion Farm and the SEND contract as well as on the question of moving to four-yearly elections (detailed in proxy 12 below).

The member development plan feeds into this work with more training around constitutional changes planned for the coming months. The Council keep focused on continual improvement in this area with surveys going to members and officers after each meeting and quarterly reports on feedback.

***5. All the recommended actions from the LGA, CIPFA and Grant Thornton reviews have been progressed, or a concrete plan is in place to action them.***

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All recommended actions from the original Grant Thornton, LGA and CIPA reviews were incorporated into the Council's single improvement plan and there has been significant progress on these.

We were encouraged to see the Council welcome the recent revisits from Grant Thornton, LGA and CIPFA with a willingness to learn and improve. The Council has a plan for formal review of the reports as they are received and is in the process of considering how best it can incorporate any further recommendations into its existing structures for improvement. The Council's work on its performance management framework and ensuring there is a mechanism for continuous improvement feeds into this as the Council recognise that while the recommendations can be addressed, the need for improvement is ongoing and will run beyond the length of the intervention. The Council is recognising the need for a mechanism by which continuous improvement becomes 'business as usual' (more on this in proxy 10 below).

The Grant Thornton and LGA reviews detail the progress the Council has made but also highlight overarching areas which the Council needs to prioritise – eg work on culture, values and behaviour – as well as more specific areas for improvement – eg waste. We are confident that the Council now has the correct mechanisms, processes and attitude in place to receive and review all of the recommendations made and then to incorporate them into the existing improvement framework.

**6. *The Council has developed an organisational culture, at all levels, where staff are enabled and empowered to constructively challenge and improve ways of working.***

Relationships between officers and members have improved significantly in the past six months and complaints (between members and officers) have tailed off almost completely. Member training on decision-making and governance has been well-received and since our June letter the Council has implemented significant constitutional changes. Members have also embraced and engaged very positively on corporate parenting training, delivered by the LGA.

The Council has undertaken a significant exercise in employee engagement on values, culture and behaviour and there are plans to consult employees at each stage of the process of culture change. A significant staff listening exercise was recently undertaken and data is being used to directly influence improvement work. A very clear example of this was recognition that one of the most regular themes from the staff survey was in relation to service to customers.

We have seen the culture at the Council change for the better in the past six months and feel this work is firmly on the right path. We expect to see this accelerate further in the next six months. Where previously we saw a transactional approach to Council business, we are now seeing more collaboration and joint working towards a shared goal, a lack of defensiveness, members engaging and officers taking more responsibility for their areas. We are seeing the Council develop confidence and clarity in deciding 'how' it wants to work and we are encouraged by this ownership. Closely linked is the work the Council is doing on improving equality, diversity and inclusion. Again, this is an area where the Council has taken time to listen and this is to be encouraged.

We are seeing the Council build on what employees are saying, the Council's culture champions have been instrumental in developing the information that came out of extensive

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listening sessions with staff into values that 'fit' for Sandwell. Culture champions ensured that equality, diversity and inclusion was included and visible in the values and behaviours so that it is integrated and threaded throughout the Council's culture. We are seeing a common language between values, behaviours and performance management and consider that this work has the capacity to give the Council an excellent bedrock from which to embed significant and sustainable change. The new chief executive will have an opportunity to shape this work and we expect to see a clear and strong framework for how the Council is to work for the longer term. In addition, the Council has developed and implemented a Communications and Corporate Affairs Strategy which improves the variety and frequency of communication to Council employees.

The importance of this work is recognised at the Council with the budget and corporate scrutiny management board actively engaged in this work.

We have seen a change in the culture at the Council over the past six months in how meetings are conducted, in communication, with feedback being invited and inclusion being encouraged but a framework is needed to nurture and grow the changes we are seeing. The Council's workforce strategy, behaviour framework and leadership development programme are all well underway. The Council's work on setting, communicating and then demonstrating a new set of values will then be critical to embed the new culture and we expect to see significant progress on this in the coming six months.

***7. The structure of the Council fits within a bigger corporate plan and is designed in such a way to enable it to meet its wider objectives.***

The Council has a good corporate plan in place. Naturally, the Council's current focus is on the detail of the improvement plan but as the intervention progresses, we expect to see the improvement plan reduce and the corporate plan become the Council's guide. A strong performance management framework, directorate business plans for service areas and ongoing data analysis and monitoring will provide a strong framework for the Council beyond the improvement plan and beyond the intervention.

Work on schemes of delegation, sub-delegation, key decision thresholds and making financial decisions has been undertaken to empower officers in decision-making. A review of principles for service structures is underway and we will be working with the new chief executive on ensuring the right structure to meet the Council's priorities.

***8. The Council has demonstrated that it is developing and deepening relationships with external partners across the region and sector.***

We have seen the Council's presence in the region improve over the past six months and note that the Council is better regarded within the West Midlands Combined Authority. We are seeing increased attendance at meetings with external partners through more high-profile regional work and credible engagement with a variety of external partners – for example – locally on the West Midlands transport strategy, preparation for and delivery of the Commonwealth Games and the legacy of the Sandwell Aquatics Centre, working with the NHS on the Metro Midland Hospital and numerous regeneration Towns Fund projects engaging

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MPs and a variety of external partners. It is encouraging to see the LGA reflect this in their report and that '*external partners we spoke to within the sub-region are seeing the Council now being much better engaged at that level, with a notable difference made in just a few short months*' and we expect this trajectory to continue.

The Council's leader meets regularly with the mayor of the West Midlands Combined Authority – something that should not be underestimated given the Council's previous position.

The Council and leader have a now noticeable presence within the West Midlands, for example, securing the ongoing support of Birmingham City Council and the other West Midlands Councils in relation to the Sandwell Aquatics Centre. The Council is now seen as relevant to the region and a Council which is getting things done.

We have also seen relationships with Sandwell's Children's Trust improve significantly and increased engagement with the Voluntary and Community Sector, most recently in the Council's excellent work on providing warm spaces for residents over the winter.

This progress is significant when the Council's previous position and the reviews at the beginning of the intervention are considered. We will want to see this positive foundation built on and further plans to strengthen the Council's position and standing within the region and wider.

**9. *The decisions made by the Council are done so via well understood and transparent channels and supported by evidence.***

We are seeing significant improvement in the way decisions are made at the Council. We now see comprehensive, evidence-based reports with detail on different options, risks and benefits provided to members. The decision-making process is increasingly transparent and we are seeing examples of more robust decision-making – for example, on SEND transport, on the four-yearly election cycle, on the MTFP and on development of the site at Brandhall (on which the call-in process has recently concluded, upholding the decision).

Since the constitutional changes there is still further work to do to ensure that only decisions that need to be made by cabinet are brought to cabinet but we see that this is improving as confidence at an individual and collective level increases.

We are seeing increased transparency of decision-making and reporting and on decisions made under delegated authority.

**10. *The Council has demonstrated that it is focused on continuously improving in all areas and has robust processes in place to collect and analyse data on its delivery, and to manage its performance effectively.***

The Council's performance management framework was embryonic but there have been huge, comprehensive improvements in this over the past six months and this is, we feel, a key to sustainability of the improvements we are seeing. The Council is starting to know itself in terms of performance. Cross-cutting evidence about the work the Council is doing within the directorates is taking shape and conversations are happening. While the performance management framework is still a work in progress, it is moving in the right direction and we are seeing ever-increasing conversations emerging to drive this change. The corporate plan supported by the performance management framework is the bedrock of sustainable continuous improvement.

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Directorate business plans in development include feedback from the residents' survey giving a direct link from what residents are telling the Council to what the Council is doing.

There is a strategy for ongoing staff engagement and under the values and culture work being undertaken, staff feedback will be captured and acted upon. Staff engagement on this work has demonstrated a desire for the Council to be an organisation willing to listen and willing to learn and to continuously improve. The Council has agreed a new strategy for formal resident engagement and the 'customer journey' work will provide further opportunities for capture and analysis of day to day resident feedback. Plans for improved IT systems will support this work.

We have seen some very positive examples of this emerging, including reports to leadership team and the audit committee on lessons learned and risk mitigations to be implemented following a recent power outage that affected some of the Council's ICT systems; the way in which the new SEND transport contract has been awarded and the staff survey data feeding into the Council's work on customer journey. At its November meeting, the Council's cabinet received the first six-monthly performance report on the Regeneration Pipeline of 66 strategically significant infrastructure projects to be delivered between 2022 and 2027. This reported noticeable progress including the publication of all information in a new 'Regenerating Sandwell' microsite which is available to the public.

There is further work to do to ensure this is embedded as 'how' the Council does things. We are challenging the Council to ensure the processes and procedures, as well as culture and values, are in place to integrate self-reflection and an ability to learn lessons.

It is early days with this work but this is a very positive start and we will want to see this become fully integrated as business as usual for Sandwell.

#### **11. *The Council has demonstrated that it is financially resilient and makes investment decisions in the context of a longer-term financial plan.***

We are confident that the Council now recognises that financial planning is business critical and is now planning to ensure financial stability. Longer-term thinking and planning – not seen at the Council previously (as reported by Grant Thornton and CIPFA) - is now being demonstrated. The Council has developed a medium-term financial strategy (MTFS) and medium-term financial plan (MTFP) with up-to-date data and this has been reported to cabinet. Financial planning is now an established part of the leadership team agenda with a focused meeting every month purely in relation to budget and a restructured finance team – whereas previously there were few dedicated budget-related meetings of the leadership team.

In the currently challenging climate, we have seen the Council's leadership team be proactive in discussing financial planning and focused on balancing the budget. There is a three-year draft budget with transformation programmes to bridge the budget gap, particularly looking ahead to year two and three. The work of the transformation board should now feed into the MTFS. This work is challenging as resources are stretched but we are seeing a commitment and a priority to financial planning.

A clear financial plan has been presented to cabinet and agreement obtained to proceed to consultation and equality impact assessment.

We recognise the Council is facing significant financial pressure, as are most local authorities but we are encouraged by the work we have seen that the Council is aware of and reacting appropriately to that pressure.

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We consider the building blocks for demonstrating financial resilience in the longer-term are in place but need to see the Council make some difficult decisions and realise the transformation programme. The Council is working on how to address the need for greater financial awareness and responsibility throughout the Council and with all staff. We expect to see the combination of improvements in culture and the performance management framework integrate this awareness and responsibility.

We are encouraged to see a leadership team prepared to bring difficult financial choices to cabinet and we are seeing that clear mechanism for making those necessary decisions with a robust evidence base. The professional way in which those regular meetings are conducted provides the right platform for those discussions.

The Council's ongoing work on culture, values and behaviours will ensure the drive to ensure best value is considered at all levels of the organisation.

The Council is in the process of agreeing a resolution for finalising the 2020/21 accounts. This work pre-dates the intervention and the current s.151 officer and we are content that appropriate steps are being taken to finalise the accounts and make the best decision for the Council in the circumstances.

## **12. *The Council has considered properly and decided as to whether to move to a four-yearly electoral cycle.***

We found the Council's response to the question of moving to a four-year election cycle to be thorough and considered. We saw discussion of the issue at cabinet and full council and full agreement for a thorough report to be prepared.

The report submitted to full council was, we considered, thorough and well-received and was commented upon as being helpful and complete by members.

A residents' consultation was conducted – the response was low but this was recognised by members and considered in their decision.

The Council decided to remain with the existing election cycle but it committed full council to reconsider the decision at the time of the Boundary Commission review in 2024. The lack of resident response was noted and the Council committed to a further residents' consultation in 2024.

We consider this question was properly considered by the Council, that a comprehensive report was properly considered and debated. For this reason, we consider this proxy fully satisfied.

## **2. Priorities for the upcoming six months**

Our priorities for the next six months are to see –

- An effective handover from the managing director commissioner's role to the new chief executive. We will be working with the new chief executive to maintain the pace of the existing improvement journey and advise and challenge the Council on ensuring lasting change.
- Scope for the 'customer journey' work to be swiftly determined and for progress at pace, to include addressing freedom of information and subject access requests.

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- The Council's values to be agreed, implemented, effectively communicated and demonstrated during day-to-day interactions and related work on the Council's culture and behaviour framework, including the workforce strategy, to continue at pace.
- The transformation programmes linked to the MTFP to be further determined and a resolution on the closing of the 2020/21 accounts.
- In collaboration with the new chief executive to be content that the Council has the right structure to deliver the Council's business as effectively and efficiently as possible.
- The equality, diversity and inclusion workstream be progressed at pace.

We want to see the Council develop a mechanism for ensuring that 'improvements' move from the stage of being a separate plan of 'one-off' intervention, to an embedded part of business as usual and we want to see evidence that the changes being made are now firmly linked into the corporate plan and performance management framework.

We will continue to challenge the Council to satisfy these proxies for success and to have the right processes, governance and behaviours in place to ensure that changes made are sustainable - to ensure that continuous improvement and delivering best value are to be cornerstones of the Council's future, beyond the intervention.

### 3. Our views on the trajectory of the intervention

We consider progress against our '12 proxies for success' has been significant in the first nine months of the intervention. We have seen the Council's leader, members, directors and officers grasp the significant challenge before them and work hard and work together to deliver the improvements achieved so far. We are very encouraged to see that progress also reflected in the independent views of Grant Thornton and the LGA and the triangulation between their comments, our views and the work the Council is prioritising. There is still a considerable amount of work to do in the key areas listed above but we are seeing a Council substantially better placed to deliver it.

We are mindful of your consideration that any aspect of your Directions should only be in place long enough to achieve the stated objectives of the intervention and your expectation that we will oversee the appointment of a permanent chief executive and then 'step back' from the Council.

We are hopeful that if the current trajectory sustains and with a permanent chief executive successfully in post, we will be of the opinion – prior to March 2024 – that it would be appropriate for us to step back and for the exercise of function(s) to be returned to the Council. As this point is reached, we will set out our reasons for our view in our report, including clear evidence as to why the public could be expected to have confidence in the Council in exercising that function(s) in compliance with its best value duty.

We look forward to updating you on the Council's progress in the next six months.

Yours sincerely,

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