Cracking the code of good practice

A survey of the relationships between public bodies and government departments
About this report

The Code of Good Practice for partnerships between government departments and public bodies was published by the Cabinet Office in February 2017. The Code was a response to the findings of a National Audit Office review of and subsequent Public Accounts Committee hearing into the oversight of public bodies, which highlighted a lack of consistency across government departments.

To encourage better relationships and in support of the Code, the Public Chairs’ Forum (PCF), the Association of Chief Executives (ACE) and the Institute for Government sent a survey to chairs and chief executives of public bodies, to assess their current relationships with Whitehall. This report highlights the key findings of the survey.
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Summary

The Code of Good Practice for partnerships between government departments and public bodies was published by the Cabinet Office in February 2017. The Code was a response to the findings of a National Audit Office review and subsequent Public Accounts Committee hearing into the oversight of public bodies, which highlighted a lack of consistency across government departments.

To encourage better relationships and in support of the Code, the Public Chairs’ Forum (PCF), the Association of Chief Executives (ACE) and the Institute for Government sent a survey to chairs and chief executives of public bodies, to assess their current relationships with their departments. The survey questions were based around the four principles of the Code: purpose, assurance, value and engagement. This report highlights the key findings of the survey.

Overall, the organisations reported largely positive working relationships with their departments. However, the results demonstrate great diversity in approach. Positive findings to arise from the survey include:

• the wide use of framework documents
• a mutual understanding of risk
• strong levels of information sharing
• agreed processes for reviewing governance arrangements.

However, responses also demonstrate many areas for improvement, including the need for:

• greater consistency in the approach taken by departments to working with their public bodies
• greater use and publication of performance agreements to improve public accountability
• increased efforts to avoid duplicate requests for information
• more opportunities to share skills and expertise in the development of policy
• attracting talent to the sponsorship teams within departments and retaining that talent.

The results also highlight the necessity of better cross-government working beyond the direct public body–department relationship, including strategic engagement with HM Treasury and the Cabinet Office on cross-government directives.

If embedded in practice, the principles of the Code present a good opportunity to improve the relationships between public bodies and departments. However, this report shows that there are several areas where this is not yet being realised.

PCF, ACE and the Institute for Government will redistribute the survey in 2018 to test whether improvements have been achieved since the publication of the Code.
1. Introduction

Across the UK public sector, there are more than 450 public bodies, which spend almost £200 billion a year and employ a quarter of a million people. How well these bodies work with government departments has a big impact on how effective government is and the quality of the services that the departments deliver. As Chief Executive of the civil service, John Manzoni, said last year, departments and public bodies need to be seen as a ‘total delivery system’.

This requires effective partnerships and a mutual understanding of a public body’s purpose, functions and expertise in relation to its department’s overall objectives.

In February 2017, the Cabinet Office published a Code of Good Practice for partnerships between government departments and arm’s-length bodies, described in this report as public bodies. The Code was a response to the findings of a National Audit Office review and subsequent Public Accounts Committee hearing into the oversight of public bodies, which highlighted a lack of consistency across government departments. The Code also builds upon research on public bodies by the Institute for Government.

The Public Chairs’ Forum (PCF), the Association of Chief Executives (ACE) and the Institute for Government welcome the Code’s four principles of ‘purpose, assurance, value and engagement’ and the drive to bring ‘greater consistency’ to the relationship between departments and public bodies through the adoption of these ‘common principles’.

The Code presents departments and public bodies with an opportunity to review how more effective partnerships can be achieved. The benefits that arise from an effective working partnership are clear: the right engagement and assurance avoids costly and inefficient use of time and duplication of work due to disproportionate oversight, while managing risk well. Likewise, as the Government faces fiscal pressures and the complexities of Brexit, there is no doubt of the value of tapping into the readily available skills and expertise within its public bodies and departments through collaborative working. Too often, public bodies report that these opportunities are missed, and there is a lack of clarity between the department and public body over their primary functions, appropriate levels of autonomy and control, and how their work fits into the wider departmental objectives.

To encourage better relationships and in support of the Code, PCF, ACE and the Institute for Government sent a survey to chairs and chief executives of public bodies, to assess current relationships between departments and public bodies, and to see how the four principles of the Code can be embedded in practice. We asked a variety of questions based on these principles, of the Code, to set a benchmark of the current state of the relationships. Of the responses to the survey, 88% were completed by a chair or chief executive themselves, as opposed to a member of their senior or executive team, which demonstrates the importance that leaders of public bodies place on effective partnerships between their organisation and departments. Our results offer insights into the views of the senior leaders that deliver our vital public services.
Independent of this work, the Cabinet Office is also conducting a gap analysis study, involving all departments. With Cabinet Office support, PCF, ACE and the Institute for Government asked departments to share their responses with us to ensure that our research reviewed both the public body and the departmental perspective. Initially, our intention was to compare the views of a department’s public bodies with the views of the department itself. However, not all departments provided their gap analyses and therefore we felt it unfair to comment only on those we received.

This report aims to highlight the key findings of the survey we conducted and it is accompanied by a comment piece written by Daniel Thornton of the Institute for Government. Contributions from the public bodies have been treated as confidential and anonymised to enable organisations to be candid in their responses.

Overall, the results across departments are relatively similar, with some minor disparities. Public bodies reported a positive understanding of purpose and risk, particularly through formal processes, such as the production and reviewing of framework documents. However, more challenges were reported in terms of sharing skills and engagement.

We will be redistributing the survey at the beginning of 2018 to test the impact of the Code over time. We will then publish a comparative analysis of the surveys.
2. Methodology

For our survey, a comprehensive list of public bodies was compiled from the Cabinet Office Public Bodies 2016 dataset, ACE and PCF membership databases, and the listing of departments and agencies on the GOV.UK website. The survey was then sent to as many public bodies’ chairs and chief executives as it was possible to find direct contact details for; this amounted to 338 organisations in total. We received responses from 132 organisations – a strong overall response rate of 39%.

For simplicity, the names of government departments have been abbreviated throughout this report. A list of abbreviations is presented in the Appendix. Please also note that neither the Department for Exiting the European Union nor the Department for International Trade is included in the figures in the report, as these departments are not responsible for any public bodies. The Code does not apply to the devolved administrations.

The response rate from public bodies in each department was mixed (see Figure 1). We were pleased with the response from the Department for Work & Pensions (DWP) – 78% of its public bodies responded to the survey. The response rate from public bodies in the Department for Business, Energy & Industrial Strategy (BEIS) and the Department for Communities & Local Government (DCLG) were also high.

![Graph showing response rate by government department](image)

Figure 1: Response rate by government department

Some public bodies provided explanations for why they did not feel it appropriate to participate in the survey, as follows:

- They were focusing efforts on collaborating with their department on the gap analyses for the Cabinet Office.
- They were a non-ministerial department and not a public body.
- They are due to be abolished and therefore did not feel that it would be suitable to contribute, given that there will be a follow-up survey.
• They were not on a statutory footing.
• They did not expect that the Code would apply to statutorily independent departments with separate and well-defined arrangements for their accountability.

It is not possible to say how many other organisations had similar reasons for not responding.

Responses came from a range of non-ministerial departments, tribunal non-departmental public bodies, executive agencies, executive non-departmental public bodies, advisory non-departmental public bodies, independent monitoring bodies, public corporations, regulators and a few other groups, such as ombudsmen (see Figure 2).

**Figure 2: Response rate by public body classification**

As the survey was sent to both chairs and chief executives of each organisation, where they have both within their governance structure, some organisations responded twice. Therefore, the number of individual responses is higher than the number of organisations that responded. This report examines how the individual respondents judged the relationship between the public body and the department.
3. Key findings

A significant proportion of respondents first came into contact with the new Code within this survey, particularly those in BEIS, the Cabinet Office, the Department of Health and the Ministry of Defence (MOD) (see Figure 3). Given the positive improvements to the public body–department relationship that could arise from the Code, this result is disappointing. There is no doubt that to encourage application of the Code’s principles, effective communication with public bodies is essential, be that directly from the Cabinet Office or through the departmental sponsorship function.

**Figure 3: When public bodies first heard of the Code**

The survey also demonstrated that many public bodies did not have the opportunity to influence the drafting of the Code, particularly advisory public bodies (see Figure 4). We feel that an important aspect of driving public body reform is to ensure that there is wide consultation across the public body landscape. As shown in Figure 4, it is interesting that it was mainly non-ministerial departments that were more likely to have contributed to the drafting of the Code, given that they are the type of public body likely to be the most autonomous.
Figure 4: Percentage of public bodies that had the opportunity to comment on the Code before its publication, by public body classification

Note: NDPB = non-departmental public body.

Purpose

Partnerships work well when the purpose, objectives and roles of arm’s-length bodies are mutually understood; reviewed on a regular basis; and clearly set out in relevant documents. There is absolute clarity about lines of accountability between departments and arm’s-length bodies. In exercising statutory functions arm’s-length bodies have clarity about how their purpose and objectives align with those of departments. Overall, most respondents reported a strong understanding of purpose between the department and public body. We asked chairs and chief executives to rank, on a scale from 1 to 5 (1 being ‘strongly disagree’), whether they agreed that there is strategic alignment between the purpose and objectives of the public body and the department. Seventy-seven per cent of respondents ranked this either 4 or 5 – agreed or strongly agreed. Although there were some variations across departments, impressively, 60% of public bodies in the Department for Education (DfE) ranked their response 5 (see Figure 5). On the other hand, 57% of public bodies in the DCLG and 50% of public bodies in the Cabinet Office ranked their response 3.
Figure 5: To what extent does the public body agree with the following statement? 'There is strategic alignment between the purpose and objectives of the public body and the department.' (Rank 1 to 5)

Framework documents
In terms of framework documents:

- 93% of respondents confirmed that their public body’s purpose, objectives, accountability and role are contained within a framework document – of these documents, 78% follow the Managing Public Money template provided by HMT.
- 92% of respondents consider the framework document to be proportionate to their public body’s size and role.
- 77% of respondents have an agreed process for reviewing the framework document.

However, the use of separate performance agreements is less common. Only 47% of respondents’ organisations have one, of which only 52% are public. Furthermore, there were no identifiable trends in our results of which departments or classifications of public bodies appear to favour performance agreements.

Assurance

Partnerships work well when departments adopt a proportionate approach to assurance, based on arm’s-length bodies’ purpose and a mutual understanding of risk. Arm’s-length bodies have robust governance arrangements in place; departments give arm’s-length bodies the autonomy to deliver effectively. Management information exists to enable departments and arm’s-length bodies to assess performance.
When asked to rank, on a scale from 1 to 5 (1 being ‘strongly disagree’), whether public bodies and departments have a shared understanding of the public body’s risks, 81% of respondents either ‘agreed’ or ‘strongly agreed’ with the statement. However, the responses varied greatly across departments. For example, no public bodies from Defra, the DfE, the Department for Transport (DfT) and HMT ranked the statement below 4 on the scale (see Figure 6). Meanwhile, public bodies in BEIS, the Cabinet Office, the DCLG, the Department of Health, the DWP, the Home Office, the MOD and the Ministry of Justice (MOJ) all received some scorings of 2 or 3. No public bodies from any department strongly disagreed with the statement.

**Figure 6: To what extent does the public body agree with the following statement? ’The public body and the department have a shared understanding of the public body’s risks.’ (Rank 1 to 5)**

However, views on whether the public body was assured that the department has the skills to develop an ‘effective partnership’ were mixed, and this was consistent across departments. On a scale from 1 to 5 (1 being the least assured), 2% of respondents answered 1, 17% answered 2, 30% answered 3, 39% answered 4 and 13% answered 5. This demonstrates that more needs to be done to assure public bodies of an effective partnership.

**Information sharing**

Our results showed that the majority of public bodies are satisfied with the formal processes for sharing information with their department. For example:

- 82% of respondents confirmed that they have agreed with central government what management and financial information will be required over the course of the coming year
• 86% of respondents answered 'mostly' or 'yes' when asked whether they felt that central government’s data requests are proportionate and relevant.

• 77% of respondents also confirmed that central government provides context to ad-hoc data requests.

Of the respondents, 26% felt that there had been duplicate requests for information from the department. However, these appeared to be more likely to occur because of cross-government working. Reasons for duplicate requests included:

• requests resulting from a change in sponsoring department
• requests resulting from reporting to two separate bodies/departments
• repetition of similar pieces of information being requested in different formats
• the cross-functional Regulatory Futures Review
• additional information relating to the European Union General Data Protection Regulation
• estates’ priority development information
• financial information, particularly surrounding the use of consultants.

While it is encouraging that only a quarter of respondents referred to duplicate requests, there is room for improvement, with potential for greater coordination between departments, teams and projects to reduce the inefficiency of such requests.

**Value**

Partnerships work well when departments and arm’s-length bodies share skills and experience in order to enhance their impact and deliver more effectively. Arm’s-length bodies are able to contribute to policy making and broader departmental priorities. There is a focus on innovation, and on how departments and arm’s-length bodies work together to deliver value for money.

We asked public bodies to rank, on a scale from 1 to 5 (1 being ‘strongly disagree’), to what extent they agreed with the following statement: ‘The public body and the department regularly share skills and experience in order to enhance their impact and delivery more effectively.’ Overall, the responses were mixed: 1% answered 1, 22% answered 2, 32% answered 3, 37% answered 4 and 8% answered 5. Furthermore, responses varied greatly across departments (see Figure 7). For example, the majority of public bodies in the Department of Health, DfE, DfT and DWP ranked their response 4 or above. Meanwhile, public bodies in BEIS were the only ones to give a ranking below 2.
Developing policy

One key recommendation resulting from the Public Accounts Committee’s inquiry into departments’ oversight of public bodies was that departments should be drawing on the expertise of their public bodies to develop policy – a point that was subsequently incorporated into the Code.

Encouragingly, results from our survey showed that 88% of respondents’ organisations had contributed to the development of policy. While the numbers demonstrated a relatively consistent level of involvement across all departments, additional comments gave a more varied picture:

• Policy involvement is often late in the process of policy development.
• Involvement was limited or minimal.
• Some respondents welcomed more opportunities to be involved in policy development.
• Some respondents have had the opportunity to be involved in policy but only when asked.
• Some felt that policy involvement was growing and/or likely to increase.
• Some felt that involvement would not be appropriate.
• Some public bodies that work with their department through other bodies found that they are one-removed from policy development and would like a more direct relationship.
We consider that combining the experience and expertise of public bodies with the departments’ understanding and management of the political context is vital to producing deliverable policy. Departments and public bodies should consider how they can ensure that this occurs at the early stage of policy development so that policy is drafted in the most efficient and effective manner.

**Engagement**

Partnerships work well when relationships between departments and arm’s-length bodies are open, honest, constructive and based on trust. There is mutual understanding about each other’s objectives and clear expectations about the terms of engagement.\(^\text{15}\)

When asked to rank, on a scale from 1 to 5 (1 being ‘strongly disagree’), whether they agreed with the statement ‘The public body’s relationship with the department is based on trust, respect and shared values’, encouragingly 83% answered 4 or 5. The number of low-ranking scores was relatively consistent across all departments.

However, our findings show that only 62% of respondents felt that senior representatives from the department (including the minister and permanent secretary) engage with their public body with the appropriate frequency. Responses were variable across departments: while the majority of public bodies in the MOD responded positively to this question, responses from public bodies in BEIS, the DCLG and the Home Office received a range of positive and negative responses (see Figure 8).

**Figure 8: To what extent does the public body agree with the following statement? 'Senior representatives in the department and public body engage with appropriate frequency.’ (Rank 1 to 5)**

![Figure 8: To what extent does the public body agree with the following statement? 'Senior representatives in the department and public body engage with appropriate frequency.’ (Rank 1 to 5)](image)
The chairs and chief executives were asked to provide comments on any further areas of concern and many felt that relationships with junior representatives in the sponsoring departments could be improved. Several respondents reported that the necessity of the ‘arm’s-length’ independence was not always understood at the junior level. The sponsorship role itself was criticised for being insufficiently resourced and some respondents felt that it was failing to attract and retain the high-quality staff it requires.

**Non-executive directors**

When asked to rank, on a scale from 1 to 5 (1 being ‘strongly disagree’), whether they agreed that the public body and the department draw on the experience and expertise of their non-executive directors, our survey found that 65% of respondents either agreed or strongly agreed. While no public bodies from the Cabinet Office, the DCMS, Defra, the DfE, DfT, Department of Health and HMT ranked their response below 3 (see Figure 9), overall we would like to see much higher rankings across all the departments, reflecting better collaboration between non-executive directors and public bodies.

**Figure 9: To what extent does the public body agree with the following statement?**

‘The public body and the department draw on the experience and expertise of their non-executive directors.’ (Rank 1 to 5)

Moreover, when the chairs and chief executives were asked whether they feel that non-executive directors engage with the public body with appropriate frequency, the results were disappointing: 73% of respondents ranked non-executive director engagement between 1 and 3 (1 being the lowest level of engagement). Looking across departments, in the DWP and the Home Office, a high proportion of respondents gave their non-executive director engagement a ranking of 1 (see Figure 10).
The results from further questions on engagement were positive and consistent across departments. These included:

- 92% of respondents confirmed that the public body feels it necessary to give notice to the department when making major announcements.
- 73% of respondents felt that the public body and department engage with each other in a coordinated and consistent manner.

However, less positively, 38% of respondents felt that there was not a clear and well-understood process to resolve disputes between the public body and department. The public bodies that responded from BEIS, the DCLG, Defra and the Home Office were all more likely than not to consider that there was not a clear and well-understood process for dispute resolution (see Figure 11). Results from public bodies in the Department of Health, DCMS, DWP, DfE, DfT, MOD and MOJ were much more positive.
Figure 11: ‘Is there a clear and well-understood process to resolve disputes between the public body and the department?’

Cross-government working
We asked the public bodies whether other parts of government affect their ability to meet their objectives. While some respondents had no comments to make, common themes did emerge from several responses. Our survey identified that most public bodies work with various departments outside their sponsoring department or are affected by policy, particularly on regulatory issues, made by other departments. Moreover, many bodies work with devolved administrations, while Cabinet Office and HMT policy often affects all public bodies.

A common trend affecting the ability of public bodies to meet their objectives was delays resulting from Cabinet Office processes, such as the length of the public appointments process, spending controls over procurement, digital projects, pay and rewards, and property controls from the Government Property Unit. In 2016, issues surrounding the length of the public appointments process were highlighted in Sir Gerry Grimstone’s report entitled Better Public Appointments. Following this, the Governance Code on Public Appointments and the Order in Council were updated with provisions aiming to improve time delays; however, results from our survey demonstrate that this is still a pressing issue for public body leaders. This finding is reinforced by informal discussions with public body leaders.

The arm’s-length relationship
Respondents did report that in some cases public bodies were working well with the Cabinet Office and HMT to discuss spending controls. However, they also highlighted difficulties with being one-removed from initial discussions, as often directives from the Cabinet Office and HMT come through the departmental sponsoring team, who often maintain that decisions are out of their control. Evidence indicates that the nature of the sponsorship function can often make it difficult to agree changes at
pace due to this intermediary layer to sign off certain actions, either within departments or by other departments.

The Code outlines that it is important that public bodies are granted the autonomy they need to deliver their services effectively. However, some respondents expressed concern that the reasons for the arm’s-length relationship are at times forgotten, particularly at the junior level.

One respondent welcomed the opportunity for discussions about earned autonomy and how this would work in practice with constraints on the department by the Cabinet Office and HMT.
4. Conclusion

Overall, public bodies reported largely positive working relationships with their departments and there were no departments that stood out as significantly better or worse than others at fostering these relationships. Disparities in the responses of public bodies within departments did not appear to stem from major identifiable trends in overarching departmental approaches; however, this just reinforces the need to breed consistency in public body–department partnerships. It was disappointing not to be able to compare the views of the public bodies with those of the departments because several departments did not share their gap analyses.

Purpose

It is positive to see that nearly all respondents that use framework documents feel they are relevant and proportionate, and have agreed processes for reviewing formal governance arrangements. However, we feel that more public bodies should be using performance agreements, and these should be made publicly available. Public accountability is equally as important as providing formal accountability to central government, and therefore both department and public body should work together to provide assurance to the public for the services they provide.

Assurance

Overall, public bodies felt that there was a mutual understanding of risk and reported positively on the processes for sharing information. However, improvements could be made to the number of duplicate requests for information, which although not very common, are more likely to arise when there is ineffective communication across government.

Value

Many public bodies and departments are not sharing skills and experience. While respondents often reported recent improvements in working with their department, it is clear that more needs to be done in terms of strategic collaboration, particularly regarding non-executive director engagement, cross-government working and policy development. Both public bodies and departments should be drawing on the wealth of resources across government and the public body landscape.

Engagement

At present, most relationships are sound and based on respect and both public bodies and departments feel it necessary to keep the other well informed. However, some departments are lacking clear processes for reviewing disputes and there is often the need for greater clarity across all levels of staffing of the nature and purpose of the arm’s-length relationship. Issues often arise because of the sponsorship function and the fact that chairs and chief executives are one-removed from consultation on important central government directives and find it difficult to engage with officials of appropriate seniority. Moreover, high staff turnover and overbearing and unnecessary controls were reported as common with junior representatives in sponsorship teams.

Beyond the direct public body–department working relationship, results from the survey have also highlighted the need for the Cabinet Office and HMT to consider
the burden of cross-cutting information requests and regulations on public bodies. Responses have shown that issues surrounding central controls and the length of the public appointments process also have implications for the ability of public bodies to meet their objectives and deliver services to the public.

**Next steps**

As outlined in this report, the new *Code of Good Practice* presents a good opportunity to improve relationships between public bodies and departments. However, this requires engagement across government.

It is disappointing that many public bodies were not consulted on the drafting of the Code, nor had sight of it before the launch of our survey. We feel that an important part of developing partnerships between public bodies and central government is ensuring that public sector reform agendas are drawn up through collaborative working. Engagement across the wide spectrum of public bodies is important, especially to drive consistency in the adoption of the principles of the Code and tap into the wealth of skills and expertise of all corners of the public body landscape. Our results highlight that many public bodies are unsure of whether their department has the skills to develop an ‘effective partnership’. There is therefore a clear challenge ahead to drive this agenda forward and change the culture of the public body–department working relationship.

These are the types of challenges we hope to see overcome when we redistribute the survey in 2018 to test the impact of the Code over time. We will then publish a comparative analysis of both surveys.
References


12. This review was the first of a series of functional reviews of public bodies and was led and carried out by regulators. It arose from a view among regulators that significant improvements in operational efficiency could be found by sharing good practice between regulators and developing more collaborative
working models, and that this would help to achieve ambitious spending
review targets. See Cabinet Office, *Regulatory Futures Review*, Cabinet Office,
futures-review

www.gov.uk/government/publications/partnerships-with-arms-length-
body-codes-of-good-practice


government/publications/partnerships-with-arms-length-bodies-code-of-
good-practice


attachment_data/file/578498/governance_code_on_public_appointments_16_12_2016.pdf

### Appendix: List of departmental abbreviations

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<th>Abbreviation</th>
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<tr>
<td>BEIS</td>
<td>Department for Business, Energy &amp; Industrial Strategy</td>
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<td>CO</td>
<td>Cabinet Office</td>
</tr>
<tr>
<td>DCLG</td>
<td>Department for Communities &amp; Local Government</td>
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<tr>
<td>DCMS</td>
<td>Department for Digital, Culture, Media &amp; Sport</td>
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<td>Defra</td>
<td>Department for Environment, Food &amp; Rural Affairs</td>
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<td>Department for Work &amp; Pensions</td>
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<td>Foreign &amp; Commonwealth Office</td>
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Susanna Smith is responsible for supporting the Public Chairs’ Forum (PCF) and the Association of Chief Executives (ACE) in all aspects of business, including developing the annual programme of events, contributing to research projects on public service delivery and promoting the work of the PCF and ACE within its membership and to the wider public sector through social media and engaging with key stakeholders.

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www.publicchairsforum.org.uk

The Association of Chief Executives (ACE) exists to improve the efficiency and effectiveness of the delivery of public services in the United Kingdom. ACE offers a unique opportunity for networking, knowledge sharing, keeping up with developments affecting public bodies, and learning from best practice in both a national and an international context.

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