

Andrew Stokes
Chief Executive
Staffordshire Moorlands District Council

April 2021

Dear Andrew,

Short Scrutiny Improvement Review – CfGS consultancy support

I am writing to thank you for inviting the Centre for Governance and Scrutiny (CfGS) to carry out an evaluation of the Council's scrutiny function. This letter provides feedback on our review findings and offers suggestions on how the Council could develop its scrutiny process. We would like the opportunity as part of this process to facilitate a workshop with Members and Officers, to reflect on this review and to discuss options for improvement.

Background

The purpose of the review was to give the Council an external perspective on how well the current model of scrutiny is functioning, and fulfilling its essential role of policy shaping, holding the Executive to account and reviewing issues of importance to local communities.

CfGS undertook a review of the current scrutiny arrangements, involving two days of evidence gathering through conversations with Members and Officers on 18th and 19th January 2021. In addition, we observed Scrutiny Panel meetings, reviewed key documents, and created and analysed a Member survey.

CfGS met with 16 Members and 5 Officers, including the Council Leader, Group Leaders, Scrutiny Chairs, Members of the Scrutiny Panels, the Council's senior leadership team as well as Governance and Democratic Services Officers.

The review was conducted by the CfGS staff:

- Jacqui McKinlay – Chief Executive - Centre for Governance and Scrutiny
- Kate Grigg – Senior Research Officer – Centre for Governance and Scrutiny

The findings and recommendations presented in this letter are intended to advise SMDC in strengthening the quality of scrutiny activities, increasing the impact of its outputs, and through its Members, to develop a strong and shared understanding of the role and capability of the scrutiny function.

Summary of findings

1. Positive areas to build upon

1.1. Scrutiny has the conditions for success

Overall, there are no critical issues with scrutiny at SMDC and the contributions that scrutiny makes are seen as mostly positive. It was recognised that improvement was needed to ensure the time and resource dedicated to scrutiny delivered more impact and greater value.

The conditions for successful scrutiny are present at SMDC; scrutiny enjoys significant support from senior Officers and democratic services, the Executive recognises the benefits of scrutiny in good governance, and Members of scrutiny want to ensure improved outcomes for communities.

Considering the changes in SMDC's political composition since the 2019 local elections, there is now a need for the Council to reflect on how they to adapt existing ways of working that embraces and responds to more effective and robust challenge. Scrutiny itself should remain politically neutral but the dynamics have obviously altered, creating an opportunity for Scrutiny Members, and the Executive, to consider its role and how they best work together to challenge, support and advise.

1.2. Officer support

At the senior Officer level there is wide buy-in for scrutiny and it is clear that the Council's corporate management team is committed to supporting scrutiny. In addition, the relevant Director being assigned to each committee sends a message of organisational commitment across the Council and is seen as adding value to the work of each panel.

We would like to highlight the praise given to the democratic services team and all Officers involved in supporting scrutiny at SMDC. Unprompted comments were made to us about the quality and responsiveness of Officer support, and the feedback from Members is amongst the most positive we have heard when conducting reviews.

1.4. Working groups

When asked about the most successful scrutiny work at SMDC, many answers nominated the working groups as a model example. Members and Officers consider they have worked well and there is strong evidence of them making an impact on issues such as waste and recycling services.

It would be valuable to learn what makes working groups successful in SMDC, continuing those activities, and applying these techniques to committee working or expanding their use.

2. Suggested areas of improvement

2.1. Clarity on scrutiny's role and responsibilities

Scrutiny's overall role is to hold the Executive to account, to carry out policy development, contribute to improved decision-making, and channel the voice of the public. Generally, this role is well understood, and most Members are able to articulate the purpose and contribution scrutiny should be making. However, it appears that in practice, challenge is not as robust as it ought to be from Members of the administration, and some felt that scrutiny was sometimes being used by the opposition for political purposes.

- Our conversations suggest a need for more clarity on how scrutiny's role is undertaken in a cross-party manner. This is about developing a shared understanding of the particular and unique way for scrutiny to add value to council governance. On a strategic level, there needs to be more of an emphasis on seeing scrutiny as a vital part of council business and governance, with clear ownership regarding its important role in improving policy and holding to account.

2.2. Collaborative approach to scrutiny

Scrutiny is meant to be a forum for the evidence-based discussion of issues affecting local people. Most agreed with the principle that scrutiny is more effective when it is a collaborative approach between Members, with politics left at the door (as much as is practicably possible), and an equal voice given to all. Members recognised this and could give examples of when scrutiny has dealt with contentious matters, and the importance of having strong and productive working relationships within committees.

There is evidence that the tone taken in questioning within scrutiny can at times be perceived as combative rather than constructive, which diminishes scrutiny as a forum for open and candid exchange. Members should have regard to the expectations set out in the Council's Member Code of Conduct regarding respectful behaviour and leading by example.

There is a mixed level of engagement from some scrutiny Members, and as indicated, Members of the opposition tend to show greater levels of involvement within committee meetings. Effective challenge from all Members of scrutiny and an active opposition are healthy governance behaviours in any democratic body.

- There was a broad agreement that all Members have a duty to uphold their responsibilities as a scrutineer, attend meetings and work towards a shared goal in their committee. This is an aspect that needs further emphasis.

2.3. Scrutiny – Executive relationship

It is important to have a culture of trust, transparency and mutual respect between scrutiny and the Executive, to enable open and candid exchanges. Without regular communication and information sharing, scrutiny will be unable to act in a supportive capacity to the Executive. Positive engagement between the Executive and scrutiny, both formal and informal, is vital to the scrutiny process.

We heard that overall, there is limited challenge of Executive decisions, with opposition Members tending to undertake this vital task of scrutiny. To achieve effective democratic accountability scrutiny, through collective endeavour, needs to focus on the Executive, ensuring questions are directed to the relevant portfolio holder and focused on clear priorities.

There is evidence of Officers in some cases being scrutinised more than Executive Members. The experience from elsewhere is that when Executive Members attend and are the focus of the questioning, a more strategic exchange takes place and better recommendations achieved.

The *'Protocol on Portfolio Holders' Involvement in the Scrutiny Process* in SMDC's constitution highlights regular engagement and the benefit scrutiny receives from Executive Members' expertise in their given portfolio, as well as the benefit the Executive receives from scrutiny's feedback.

- SMDC may consider reviewing the Executive-Scrutiny protocol to outline and reaffirm expectations, and to improve communication and co-ordination between scrutiny and the Executive. An Executive-Scrutiny protocol should deal with the practical workings of scrutiny as well as the cultural dynamics. It might also be useful for feedback on scrutiny's recommendations to be formalised within the protocol, in order for the panels to monitor the progress of their output.

2.4. Scrutiny's focus

There is a recognition that scrutiny needs to focus more on strategic issues, where it can have influence, and that scrutiny should input into the decision-making process at an earlier stage than it does currently. The overall high quality of scrutiny's working groups is evidence that this part of the system is working well. However, scrutiny work in committee does not always benefit from the same focus.

Scrutiny should focus its attention on cross-cutting issues which affect communities across the district, avoiding parochial issues affecting single wards. There are missed opportunities for scrutiny to add value and to be an integral part of the Council's corporate plans and overall improvement.

- For scrutiny to be more strategic there needs to be change from both scrutiny and the Executive. If the Council wants more emphasis on shaping policy, challenging and holding to account, then scrutiny will need earlier access to and involvement with the core policy and decision-making activities of the Executive.

There are some examples of duplication, in the Health Scrutiny Panel we heard of the same issues being considered by SMDC and the County Council's health scrutiny - dedicating time to issues which are unlikely to change or be influenced by recommendations.

Some panels would benefit from a clearer focus on where the committee can add value or influence change. For the majority of the substantive items on scrutiny agendas there is not a clearly articulated outcome from scrutiny's consideration of the topic. When topics are reviewed the focus tends to be operational rather than strategic or outcome focused. Often, reports do not ask Members to "do" anything other than to note them and recommendations at the scrutiny meetings could also be sharper in their focus.

- We noted that scrutiny could be more involved in the budget process, and at an earlier stage for any meaningful input. Scrutinising the Council's finances, including the medium-term financial plan, monitoring financial and operational performance, together with commercial partnerships and other external arrangements does not seem to be sufficiently explored.

We have produced guidance, in partnership with CIPFA, on financial scrutiny¹ setting out scrutiny activity to complement the council's annual financial cycle. The guide suggests ways to move budget and finance scrutiny beyond set-piece scrutiny 'events' in December and quarterly financial performance scorecards being reported to committee.

2.5. Work programming

Work programming is key to ensuring scrutiny stays focussed on strategic issues where it can make an impact, whilst making the best use of time and resources. In this respect prioritisation is essential, and scrutiny could benefit from an agreed methodology to filter and select topics for the work programme (we have provided some examples of scrutiny work programming selection/prioritisation tools in the Appendix). Furthermore, scrutiny will need to organise a work programme that is Member-led in order to have ownership over committee activity.

Work programming does appear to be more effective in Resources Scrutiny Panel, than other committees.

¹ CfGS & CIPFA (2020) 'Financial scrutiny, practice guide' - https://www.cfgs.org.uk/wp-content/uploads/Financial-scrutiny-practice-guide_proof3.pdf

- We recommend an annual process for developing the work programme across all of the scrutiny committees, engaging Members, Officers, partners and the public to prioritise the topics for review. This will help avoid duplication and ensure that Members' work in scrutiny makes the most effective contribution possible on the most important issues to the district. Work programming could take place through a Member workshop, where a shortlist of priority topics for the next 12 months are identified according to a selection criteria, discussed on their merit for scrutiny, and voted on.

It is important to emphasise that work programming is an ongoing process and not just a one-off event. Whilst a workshop will help identify priorities and provide structure to work for the months ahead, there will need to be flexibility in the work programme and time set aside to regularly revisit the relevance of topics as the local context changes.

- Currently the work programme is the last item on the agenda at scrutiny meetings, we would recommend bringing it to the beginning, so it can benefit from more considered discussion rather than being subject to the inevitable end of meeting fatigue.

2.6. Meeting preparation

From our observations of committees, there is little evidence of co-ordinated questions (outside of the designated portfolio holder question time) or Members acting as a team with clear lines of inquiry. It has been highlighted that a number of Members do not prepare sufficiently for scrutiny meetings, leading to the presentation of Officer reports that should have been read in advance and a missed opportunity for insightful questioning. It is important the time spent in committee is well spent.

A small number of Members felt that reports were long and make demanding reading, which may prevent some Members from fully engaging. The practice of submitting reports for noting, for information, or inviting speakers only to share information, should be avoided. All of the above measures regarding meeting preparation will result in shorter, sharper meetings.

- SMDC should consider introducing pre-meetings before formal committee between all scrutiny Members to provide the space to set common objectives and possibly to reach consensus on lines of enquiry and questioning strategy.

2.7. Chairing

Scrutiny's success is dependent on the right Members, with the right capabilities and attributes, leading and managing the scrutiny function. Current chairs at SMDC have varying levels of confidence in being able to lead and manage the scrutiny function in a timely and effective manner.

Chairs have an important role in providing leadership, modelling constructive behaviour and ensuring well managed meetings. In some committee meetings, chairs failed to keep meetings on track by allowing lengthy contributions, drift or repetition. For every item on the agenda there should be an overall purpose in scrutinising it, and it is the role of the chair to focus the panel's attention on this - the question should always be 'Why is this coming to scrutiny and what is its purpose?'

The lack of opposition Members involved in scrutiny chairing roles was raised as an issue in our evidence gathering. There is no single 'right' approach to selecting chairs - the emphasis ought to be on selecting chairs based on skill set and capability and providing ongoing training and support.

2.8. Member development

Scrutiny provides an excellent opportunity for broader Member engagement and to support Members in getting an in-depth understanding of issues. To get the most out of scrutiny, Members need a clear sense of what is required of them as panel Members and the work involved which allows good scrutiny to happen. This should draw on the Council's Member code of conduct which will help reaffirm expected behaviours.

We observed that the quality of questioning in scrutiny panels varies; in some instances, it is forensic and probing, but it is often more general and exploratory and sometimes superficial. SMDC is clearly committed to Member development, and training was raised by some Members, who were clearly aware of the gaps in their knowledge and understanding.

- We recommend further 'refresher' scrutiny training, with an update on scrutiny essentials, as well as a specific focus on good questioning skills and chairing skills. Since the use of call-in has increased it might be appropriate to include in the scrutiny refresher training to ensure understanding of its purpose. For some Members, a more bespoke approach through coaching, mentoring or one-to-one training may be more effective to achieve the standards desired by Members and the Council.

2.9. Committee structure and timetabling

Changing the structure of scrutiny committees is rarely a universal solution to bring about immediate changes, the cultural issues are more important. However, we received feedback from the majority of interviewees (Members and Officers) that the current structure of four scrutiny committees for a council the size of SMDC is not the most effective use of resources.

The council's internal review of scrutiny in 2014/15 identified local authorities of a similar size to SMDC tend to operate with less scrutiny committees.

- We would advise SMDC to review the number of committees. The Health Scrutiny Panel often deals with matters outside the Council's responsibility and duplication with County Council health scrutiny was reported. Merging the Health Panel with the Communities Panel is one option, as there appears to be significant crossover between the two, this would enable Officer and Member resources to be more focussed.
- The 19 Members sitting on each panel is also a very high number to enable effective scrutiny and provide opportunities for everyone to engage. A reduction in committee Membership should also be considered.

Currently the scrutiny committees at SMDC tend to meet on a cycle that falls shortly before Cabinet, which can inevitably lead to a focus on upcoming Cabinet decisions, rather than focussing on scrutiny's independent work plan.

Effective forward planning should allow for scrutiny to be forewarned months in advance of particularly critical decisions. Scheduling scrutiny meetings further upstream of the decision-making process and meeting more frequently, but with shorter and more focused agendas, can relieve the burden of longer meeting cycles. Such forward planning also helps with fitting greater pre-decision scrutiny into the committee cycle.

- In terms of both the number of committees and frequency of meetings at SMDC, there are clear advantages of having fewer committees which meet on a more regular basis.

2.10. External engagement

It has been highlighted that many presentations from outside bodies to some panels are regarded as 'show and tell' sessions. In carrying out 'external' scrutiny work, it is important to ensure that scrutiny has a clear focus on objectives and is able to influence outcomes concerning the topic discussed.

Regarding public engagement, scrutiny could explore and experiment with ways to allow greater access, openness and involvement. This could include inviting the public to offer ideas for work programmes and greater use of social media channels for resident input and communicating the progress and impact of scrutiny work.

Thank you and acknowledgements

This short review forms part of a Member development programme which includes training and development sessions to be facilitated by CfGS.

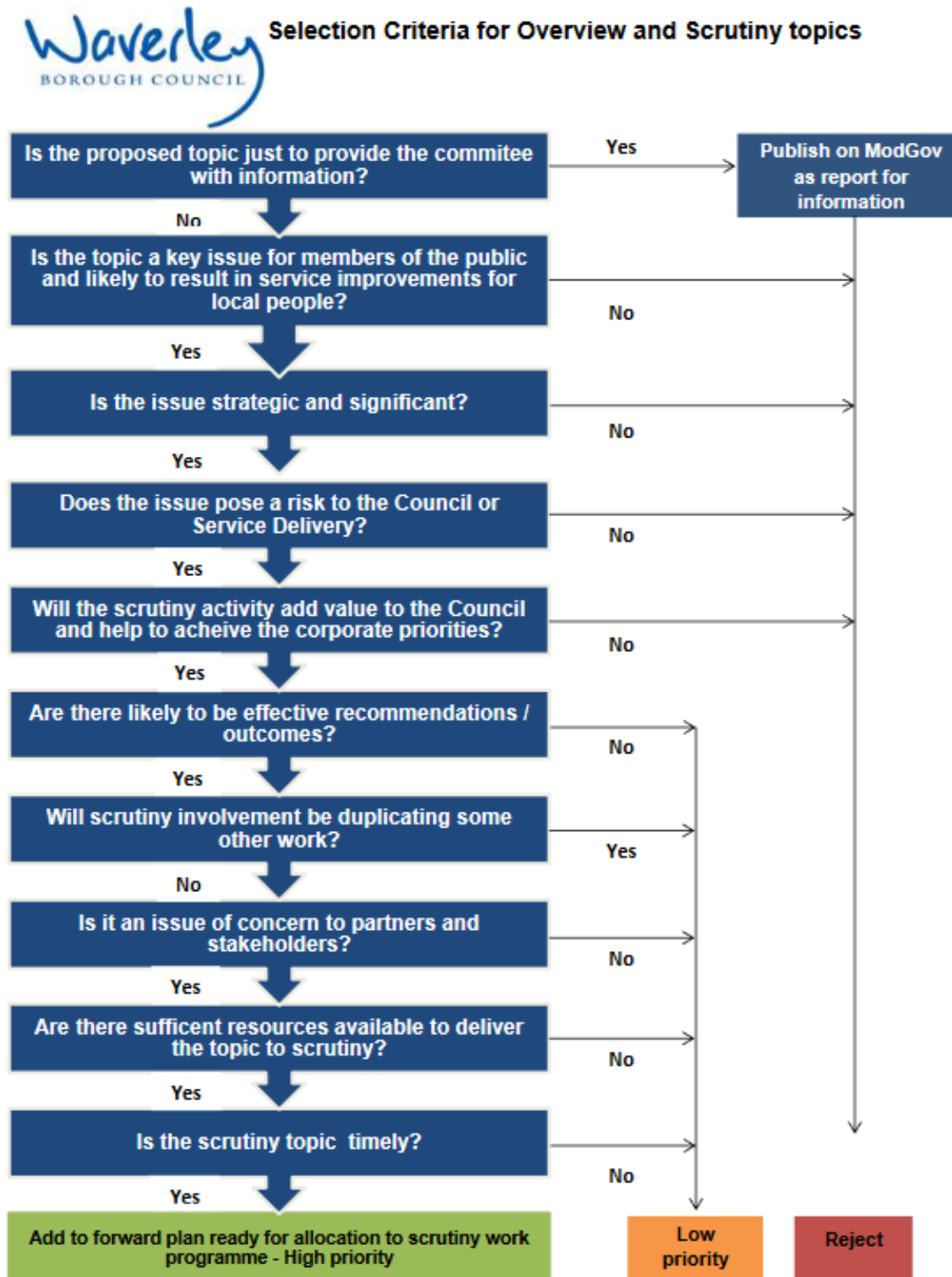
We would like to thank the Chairs, Scrutiny Panel Members, Executive Members, and Officers who took part in interviews and the survey for their time, insights and open views.

Yours sincerely,

Kate Grigg
Senior Research Officer / Review Lead

Appendix – Examples of scrutiny work programming selection/prioritisation tools

Waverley Borough Council²



²https://www.waverley.gov.uk/download/downloads/id/5879/selection_criteria_for_overview_and_scrutiny_to_pics.pdf



PAPER Analysis



When considering whether to adopt an item onto its agenda programme, the Committee will score the item using the following criteria:

1. **Public Interest:** the concerns of local people should influence the issues chosen for scrutiny
(1= low public interest, 2=medium public interest, 3=high public interest)
2. **Ability to change:** priority should be given to issues that the Committee can realistically influence
(1= little chance of changing, 2=reasonable chance, 3=good chance)
3. **Performance:** priority should be given to the areas in which the Council, and other agencies, are not performing well.
(1= good performance, 2=moderate performance, 3=low performance)
4. **Extent:** priority should be given to issues that are relevant to all or large parts of the District.
(1= only one ward, 2= multi-ward issue, 3=the entire District)
5. **Replication:** work programmes must take account of what else is happening in the areas being considered to avoid duplication or wasted effort.
(1= already well covered, 2=already partly covered, 3=not already covered)

Each topic will be scored under each category as indicated above. Where a category is not applicable, no score will be given.

The extent to which the potential scrutiny issue has implications for the Council's priorities is of major importance. In the light of this it is recommended that the PAPER score should be increased by a further factor which reflects implications for the Council's objectives and priorities – as follows:-

6 = The scrutiny area will make a direct, substantial and quantifiable impact (eg in a higher PI performance) on the Council's service priorities.

3 = The scrutiny area will make some impact on service priorities, but it is not quantifiable

0 = No significant impact on service priorities

It is recognised that much of the scoring is subjective and that certain facts, such as the item already being considered by another Committee, would automatically exclude the item from the Committee's agenda programme.

³<https://scams.moderngov.co.uk/documents/s50149/Criteria%20for%20Scrutiny%20and%20Overview%20Topic%20Selection.pdf>

Scrutiny Review Process

Member Roles

- Members decide topics taking account of issues of local concern, Council priorities, suggestions and advice of officers and agreed criteria.
- O&S Board prioritises reviews to be undertaken.

- Members decide on objectives, outcomes, evidence/witnesses, methodology, visits, consultation, etc, taking account of officer advice.

- Members identify and call for evidence as appropriate.
- Members compile questions for witnesses with officer support if required.
- Members undertake visits.
- Members meet with witnesses and engage users/community groups.

- Members evaluate the evidence received and collated by the Scrutiny Officer.
- Members formulate findings and recommendations.

- Members consider the draft report, make amendments as appropriate and approve for referral to the relevant OSC and the Cabinet/ Council.

- Members decide basis of feedback on review outcomes to stakeholders.
- Implementation of agreed actions arising from the report is the responsibility of the Cabinet.

- Portfolio Holder reports progress on the implementation of the adopted recommendations to the OSC.
- Members may choose to undertake further scrutiny if required.

Stage 1 – Topic Selection

Criteria for selection:

- Potential impact for significant section(s) of the population
- Matter of general public concern
- Key deliverable of a strategic and/or partnership plan
- Key performance area where the Council needs to improve
- Legislative requirement
- Corporate/LAA priority

Stage 2 – Scoping the Review

- Rationale and key issues
- Objectives
- Relevant corporate/LAA priorities
- Indicators of success/outcomes
- Evidence required and methodology
- Key officers involved
- Key stakeholders/expert witnesses
- Consultation
- Publicity
- Risks
- Timescales

Stage 3 – Gathering Evidence

- Site visits
- Written submissions
- Research
- Experts/witnesses
- Focus groups/workshops
- Consultation

Stage 4 – Considering Evidence

- Compare to the original scope

Stage 5 – Report

- Report to OSC for approval
- Recommendations and template implementation plan to Cabinet/Council/ PSB/Partner agencies for consideration.

Stage 6 – Implementation & Feedback

- Implementation plan developed by relevant Service Officer
- Recommendations actioned by relevant Officers
- Feedback outcomes to stakeholders/ community

Stage 7 – Monitoring

- Implementation monitored by the OSC
- Further investigation/recommendations if dissatisfaction

Officer Roles

- Officers present to Members information on service reviews, audit reports, inspection reports, performance indicators, budget, customer satisfaction results, topics due for review.
- Officers advise Members on topic selection having regard to agreed criteria.

- Scrutiny Officer and Service Officer provide advice on how best the topic can be tackled.
- Scrutiny Officer produces a project plan for the review, setting out timescales/key milestones.

- Scrutiny Officer makes arrangements for the gathering of evidence, including research, focus groups, liaising with witnesses, etc.
- Scrutiny officer supports Members in compiling questions if required.

- Scrutiny Officer collates the evidence received and supports Members in formulating their findings and recommendations.

- Based on Members' findings and recommendations, the Scrutiny Officer drafts a report for approval by the relevant OSC and the Cabinet/Council/ PSB/Partner agencies

- Scrutiny Officer supports Members in considering how to feedback the review outcomes to stakeholders.
- Service Officer ensures that adopted recommendations are actioned.

- Service Officer supports Portfolio Holder to report progress to the relevant OSC at the appropriate time.

⁴ <https://api.warwickshire.gov.uk/documents/WCCC-970-53>