Introduction to Scrutiny

May 2019
Session 1

Origins, principles and powers
Overview and Scrutiny

• Local Government Act 2000
• Health and Social Care Act 2001
• Police and Justice Act 2006
• Local Government and Public Involvement in Health Act 2007
• Police Reform and Social Responsibility Act 2011
• Localism Act 2011
• Health and Social Care Act 2012

• O&S committees can look at **anything** relating to the wellbeing of its residents
Legal powers

- Can require information and attendance from the Leader and Community & Resources Committee members and appropriate officers
- Can require a reasoned response to recommendations made within a timescale
- Can require information and response from certain partners; more limited powers over others
- More formal powers with the county; e.g., a statutory consultee on health matters
- Powers and role often more about influence, persuasion and goodwill
Context

- The financial challenge of austerity; declining resources
- The pressure to innovate by delivering services differently
- The devolution agenda of combined authorities
- The changing landscape of public sector reforms

- … but opportunities for a new relevance in a time of major change
- Return on investment of O&S activity can be significant
Opportunities

- A mindset or process rather than a function or committee
- A way for more councillors to have an active input on policy and performance issues affecting local people (council and partners)
- A way to bring an independent perspective to bear on major decisions
- A way for councillors to reflect and consider major future challenges outside the normal decision-making processes
Principles of effective O&S

- understanding the scrutiny role
- creating an enabling environment
- supporting public scrutiny
- drives improvement in public services
- provides ‘critical friend’ challenge to executive policy-makers and decision-makers
- enables the voice and concerns of the public
- is carried out by ‘independent minded governors’ who lead and own the scrutiny process
Two Overview & Scrutiny Committees

- External (outward facing, working with partners, crime and disorder and receiving presentations from grant funded organisations)

- Internal Scrutiny (performance management, budgetary, development of policies, etc)
“The Internal Overview & Scrutiny Committee has the power to review the policies of the Council and its objectives, and is entitled to ‘call in’ decisions made by the Community & Resources Committee which are not yet implemented.

They can also recommend that the Community & Resources Committee reconsider such a decision.

Issues that remain unresolved will be referred to the Full Council for determination.”
“The External Overview & Scrutiny Committee has the same terms of reference as the Internal Overview & Scrutiny Committee, but scrutinises the performance of external public sector bodies operating within Torridge.”

The External Overview & Scrutiny Committee is also the Council’s Crime & Disorder Committee
Overview

- Strategic approach
- Watching brief
- Monitoring role
- More proactive
- Policy development
- Independent and free from political bias
- Of Council decision-makers
- Of partners
Overview: ways of working

- Standing items on agendas
- Work programming
- Monitoring of Council plans and strategies
- Analysis of performance data
- Briefings and electronic updates
Scrutiny

- Critical friend challenge of decision makers
- Policy review
- Performance review
- Service reviews
- More reactive
- Of Council decision-makers
- Of partners
Scrutiny: ways of working

- Holding the leader and committee members to account at meetings
- Call-in (occasionally)
- Holding appropriate officers and partners to account at meetings
- Comparing performance against plans and budgets
- Undertaking specific reviews
- Bench-marking against other similar local authorities
Call-in

Call-in of a decision within five days of the decision notice being issued, if so requested by:

(i) the Chairman of the relevant Overview & Scrutiny Committee: or

(ii) any three members of the relevant Overview & Scrutiny Committee: or

(iii) any four members of the Council

Within five days of the call-in - agree a date of a meeting to consider it

(Matter not to be called-in again on same grounds)
O&S challenges

- Packed agendas
- Unmanageable work programmes
- Large volumes of information
- Timescales
- Capacity
- Understanding of the role by others
Some key tasks for O&S

- Work programming
- Project scoping
- Evidence gathering
- Questioning and listening
- Report writing
- Presenting recommendations
- Decision tracking
- Evaluation
- Follow up
Work programming

- The list of topics that O&S will consider over the year
- The timetable for activity
- The way of working on the topic

- Use criteria to prioritise topics
- Identify sources of ideas
- Liaise and share information
- Ensure a corporate fit
- Review it at every meeting
Work programming opportunities

- Co-ordinate it with corporate processes
- Use Forward Plans and strategies
- Use performance data
- Use partners’ information
- Be aware of public views
- Focus on where O&S can add value to the council and the area
- Use criteria for topic selection – strategic priorities, wider impact, major spend, major sources of complaints, underperformance, public concern
Work programming challenges

- Number of topics
- Length of agendas – and their timing
- Awareness of other council activity
- Timeliness
- Access to and use of information
- The mix of internal and external topics
- Ability to influence decisions and services
- Commissioning
- Capacity
Work programming outcomes

- Challenging underperformance
- Achieving value for money
- Making an impact on services
- Being a catalyst for change
- Promoting good practice
- Improving partners’ working relationships
- Increasing public satisfaction
Working proportionately

Judgments have to be made about the complexity of the issue, the resources available, the outcomes sought and the value to the council and the area

a) Speak with Leader etc or Officer
b) Request attendance
c) Require a report
d) Ask questions of officers or relevant Cllrs
e) Have more in-depth reviews of policies, services or issues in Task and Finish Groups or Inquiry Days with witnesses
Project scoping

- Title
- Objective
- Terms of reference
  - What is included
  - What is not
- Potential outcomes (really important)
- Methodology
- Inputs for evidence gathering
- Resources including members and officer support
- Timescales
- Intended recipient
Maintaining positive working relationships

- Understand who your key relationships are with
- Understand those people’s motivations
- Develop effective working relationships
- Offer challenge – and support
- Anticipate the need to compromise
- Listen and be prepared to modify your approach
- Remember that O&S is more about soft influence than hard power
Working with officers

- Scrutiny support
  - Meeting administration
  - Advice eg work programming, project scoping
  - Support for specific reviews

- Other officer engagement
  - Held to account
  - Professional expertise
  - Networks with relevant partners
  - Skills in community engagement
  - Assistance with research for reviews

Whilst being aware that O&S is member led
Gathering and using evidence

- Members of the Committee may assist in project scoping
- Select from where to gather evidence
- Source a range of evidence: written, oral, site visits, commissioned research, comparative data etc
- Undertake evaluation of evidence from all sources
- Committee and officer develop Key Lines of Enquiry
- Draw evidence-based conclusions for the report
- Draft SMART recommendations
- Submit it to the relevant decision makers
Budget scrutiny

- Overview through regular monitoring of budget outturns in performance data and reports

- Scrutinise strategies, plans and budgets in advance

- Review projects against objectives and budgets, especially regarding VfM

- Ensure timely scrutiny of budget proposals

- Scrutinise the return on investment of O&S activity
Questioning and listening

- Plan a questioning strategy
- Establish what you want to achieve from your questioning beforehand
- Use open questions at first to get the broad picture
- Build questions on the preceding answers – use probing questions to elicit more information
- Use closed questions for clarification
- Be a sensitive and active listener with empathy yet challenge
Top tips for questioning

1. Read the relevant papers
2. Establish what you want to achieve from your questioning before you begin
3. Structure your questions into blocks
4. If questioning in a group, try to obtain agreement in advance as to how you are going to do it and share out questions
5. Consider what information you want and then build your questions around obtaining it
6. Build questions on the preceding answers
7. Use probing questions to elicit more information or clarification
8. Try to ensure that your questions are engaging
9. Follow up with supplementary questions where necessary
10. Consider the reactions of witnesses to questions - you might see if the witness is uncertain about the answers being given
Decision tracking and follow up

- Action list
- Draft reports and recommendations
- Submit them to the appropriate body
- Seek response to or decision regarding the report and recommendations with a response /action/milestone(s)/timescale
- Post-review: evaluate how the review went; evaluate the impact and outcomes
- Monitor progress with the recommendations and actions
- Invite review participants to take part
- Consider if evaluation suggests further O&S action