



SCRUTINY REVIEW – March 2017

1 Introduction

- 1.1 As part of the scrutiny health check undertaken last year it was agreed that a review should be carried out ahead of the May 2017 election to ensure that the overview and scrutiny arrangements at the Council remain fit for purpose.
- 1.2 A meeting of scrutiny chairs and vice-chairs was held on 28 February 2017 to consider how overview and scrutiny has changed since the County Council election in May 2013, what has worked well, what needs improvement and what changes, if any, should be implemented after the election.
- 1.3 The review coincides with a national inquiry by the Department of Communities and Local Government Select Committee into the effectiveness of overview and scrutiny in local government. The inquiry poses a number of questions and, where appropriate, we have used them in undertaking our review.

2 Key questions

2.1 Are scrutiny committees effective in holding decision makers to account?

Local authorities do not work in isolation. A large part of what they do is in partnership with others and holding decision makers to account is not straightforward.

Non-executive members need to understand the overall direction of travel for the Council and its partners. In Gloucestershire, the scrutiny function provides an important opportunity for non-executive members to be engaged in the work of the Council. Scrutiny is structured to enable members to develop expertise in specific areas – Health and Care, Children and Families, Environment and Community, Economic Growth, and an overarching Scrutiny Management Committee. The Police and

Crime Panel and the Audit and Governance Committee also sit within the family of scrutiny committees.

Members meet with frontline officers, not just those at a senior level, to gain an understanding of how services are delivered. Why sit in a meeting room to discuss an issue when you can go and see for yourself? Health scrutiny members have not only visited care pathways in acute and community settings but also visited the South Western Ambulance Service's Clinical Hub to understand how calls are managed, and some members have gone so far as going on an ambulance 'ride-a-long'.

While scrutiny has call-in powers, this is seen as a last resort because call-ins inevitably lead to political tension in an environment that should be about non-political examination of policy, performance, and process.

Through bespoke in-house development and induction sessions, non-executive members are given the tools to allow them to be 'scrutineers'. This helps them to tease out those difficult issues and identify solutions.

Scrutiny is not just about holding decision makers to account. It has a role in ensuring that the outcomes from serious case reviews (adults and children) and inspections, such as those undertaken by the Care Quality Commission and Ofsted, are understood and followed through.

Recommendations made by scrutiny to decision makers and external organisations are followed up every 6, 12 and 18 months. This ensures that they do not just end up on a shelf and that the momentum created through reviews is not lost once they are completed.

2.2 Does scrutiny operate with political impartiality and independence from executives?

Non-executive members see themselves as belonging to their specific committees and with a real responsibility to ensure the impartiality of the scrutiny process. This can be tested at times, through budget scrutiny and an increase in motions from Council directing scrutiny work. Despite this, there is a clear message to 'leave political hats at the door'. Members are encouraged to ask questions with a view to holding decision makers to account based on 'Have they done what they said they would do?'

Members try hard to keep politics out of their work and instead try to restrict politics to the council chamber.

From time to time, scrutiny chairs write letters with the agreement of their committee to national bodies, including the Government, regarding a

particular issue. A recent example concerned a lack of meaningful national targets for non-emergency patient transport which was hampering effective scrutiny.

Cabinet members do not prevent or prescribe areas of work. They will on occasions ask scrutiny to look at specific issues on their behalf and report back with findings and recommendations.

In Gloucestershire, call-ins are few and far between but inevitably, when they do happen, they become very political. There are rarely any meaningful outcomes achieved from call-ins but the Council recognises that it remains an important safeguard in the decision making process.

2.3 Are scrutiny officers independent of and separate from those being scrutinised?

The Democratic Services Team support the scrutiny committees. An officer is allocated to each committee and works closely with the relevant chair and members. These officers work at the centre of the council and have a good understanding of working directly with elected members. We see no value in employing dedicated scrutiny officers when the necessary skills and knowledge are held within the broader role of the Democratic Services Officer.

The Statutory Scrutiny Officer role sits with the Head of Democratic Services. The culture within the Council supports non-executive member engagement and adequate officer resources are provided to support scrutiny.

2.4 How are the chairs and members of scrutiny committees selected?

Chairs are elected each year at the Annual Meeting of the Council. Committee membership is proportional in respect of the political balance of the Council. There is a process to enable committee membership changes on an ad hoc basis during the council year.

Some of the scrutiny committees include members co-opted from the six district councils in Gloucestershire. These members are selected by the individual district council and proportionality is not applied to these appointments.

At present, three of six scrutiny committees are chaired by opposition members. The Audit and Governance Committee sits within the family of

scrutiny committees and the chair has historically been drawn from one of the opposition groups. There is strong support for this to continue.

2.5 Are the powers to summon witnesses adequate?

Health Scrutiny and the Police and Crime Panel are supported by regulation. We do not normally have any problems in getting witnesses to attend any of our scrutiny meetings.

Council officers work hard to maintain positive working relationships with partners, and this has meant that we do have a high success rate in external witnesses attending member meetings.

Having said that, it would be helpful if the power to summon witnesses was strengthened to support those areas not already covered by regulation (for example education and schools).

2.6 Does local authority scrutiny act as a voice for local service users?

Much of the work that comes through the scrutiny function is driven by members' postbags and reflects public concern. It is, however, important to ensure that if scrutiny members do act on public concern, they do so based on evidence rather than anecdote.

All elected members are community leaders: they have been elected by their community and should act on its concerns. There are many ways that these concerns can be addressed and it should be recognised that scrutiny is just one of them.

Scrutiny can act when there is a clear public mandate, as there was in Gloucestershire following the severe flooding in the Summer of 2007.

2.7 How are topics for scrutiny selected?

Scrutiny in Gloucestershire is very much member led. Committees develop a work plan to guide their work through the year. Some aspects of the work plan will have to reflect service changes, proposals, known plans, but much will be driven by members' postbags. Work plans are flexible to enable them to be adjusted to address any urgent issues that arise. There is nothing worse than setting a rigid work plan and not being able to react to events.

The Health and Care Overview and Scrutiny Committee is a statutory consultee for any substantial development, or significant variation of the health service and must ensure that its work plan reflects this. This is especially relevant at present due to the potential for service changes identified through the local Sustainability and Transformation Plan (STP).

The majority of work planning activity is undertaken offline. An example of this is the Health and Care Scrutiny Committee. This committee holds work planning meetings on a regular basis through the year. Holding these sessions offline enables a much more robust and open dialogue between elected members and officers. The ability to be more challenging enables a more thorough testing of issues.

The scrutiny function does not have hard and fast rules for agenda items. We do not have a protocol against which to measure requests. Members prefer to take each request on its merits.

2.8 What level of support is given to the scrutiny function by political leaders and senior officers, including the resources allocated?

Cabinet members make efforts to attend the scrutiny committees that relate to their portfolios. Non-executive members expect this to continue following the May 2017 election.

Senior officers are very engaged with the scrutiny committees. There is a director lead for each committee. When task groups are commissioned, senior officers are involved in informing and guiding the work.

2.9 What use is made of specialist external advisers?

A specialist external adviser from the University of Gloucestershire was used for the Council's Summer Emergency Inquiry (following the serious flooding in 2007).

We regularly call on external people to provide input into our scrutiny work, particularly task groups. We view these people as expert witnesses, rather than an adviser. These people are not paid, although we pay any travel expenses.

For evaluating our scrutiny work, and some aspects of member development, we have worked with member peers from the Local Government Association (LGA), John Cade from the Institute of Local Government Studies (Inlogov), the Centre for Public Scrutiny (CfPS), Nelson Training, David McGrath and Frontline Consulting.

2.10 How effective is local authority scrutiny of external organisations?

Statutory provisions cover some external organisations, for example health bodies and the Police and Crime Commissioner. Although we have generally had good cooperation from other organisations on scrutiny, it would be helpful to have a more formal mechanism to encourage cooperation and participation. This should apply to organisations that provide services to the wider public, for example train operators, utility companies, mobile phone companies and broadband providers.

There are real challenges with regard to education. The predominance of Academy schools and trusts means that scrutiny members are somewhat stymied when it comes to concerns relating to, for example, educational attainment or how schools support the health and wellbeing of students. The ability to be able to work more effectively with schools and, in particular, the Regional Schools Commissioner would be helpful.

We believe that nationally there needs to be more shared learning and promotion of scrutiny. The Centre for Public Scrutiny (CfPS) works on behalf of local authorities but it cannot be expected to pick up the baton on its own. The media seem to cover Parliament's Public Accounts Committee regularly, yet they rarely pick up routine local scrutiny.

2.11 What is the role of scrutiny in new devolution arrangements?

A bid for devolved arrangements in Gloucestershire has not been progressed by the Government due to commitments in other areas. We are very clear though that the scrutiny arrangements for devolved governance, for example a combined authority, must be designed by scrutiny members from the local authorities in Gloucestershire.

The scrutiny leads have met to consider what joint scrutiny arrangements might look like. They believe that effective governance arrangements can only exist where there is strong scrutiny.

Scrutiny will allow non-executive members to be well-informed about the latest developments and are able to influence the delivery of devolution in the county. It will ensure that the combined authority, or other mechanism in place, is held to account, delivers on its promises and makes a difference for people living and working in Gloucestershire.

In terms of structure, current thinking is that the County Council scrutiny structure will be expanded to include more involvement of non-executive members of the district councils. They are already involved in health scrutiny, economic growth and the Police and Crime Panel.

2.12 Examples of where scrutiny has worked well and not so well

Scrutiny in Gloucestershire has evolved considerably since 2001. Initially there was a push to have a wide range of task groups, covering too wide a range of topics. Non-executive members felt under pressure to look at everything that the Cabinet was doing, and found it difficult to justify not receiving items at committee.

Achieving a balance between overview and scrutiny has made a difference. Non-executive members in Gloucestershire recognise the importance of gaining a broad understanding of an issue (overview) before they can properly scrutinise the matter.

Improving the work planning process has helped members feel more confident about their choices and priorities. They are more informed and therefore better able to identify what outcomes they expect to achieve.

Task groups are now more focused, and therefore more effective. They apply one of our key scrutiny principles of taking a 'narrow and deep' look at an issue rather than a 'broad and shallow' approach. Task groups use a one page strategy. The purpose, objectives, and outcomes must all fit on one side of A4 – this helps to focus the work.

Some examples of successful scrutiny are highlighted below:

a) Safeguarding children and young people

A Safeguarding Framework guides scrutiny members through the safeguarding process. This framework is based on the work and principles of Research in Practice (www.rip.org.uk) which champions evidence informed practice in children's services. This framework guides scrutiny members through the safeguarding process, and enables them to take a detailed look at each aspect. These sessions are attended by frontline officers. For example, when looking at child sexual exploitation, the Children and Families Scrutiny Committee met with the Police as well as officers from Children's Services. The local Children's Safeguarding Board Chair is also called in to account for the work of the board.

b) Children's social workers

Regular performance monitoring had identified concerns regarding the recruitment and retention of children's social workers. A task group was set up to examine the issues. Non-executive members spoke to social workers on the frontline as well as senior officers and invited officers from a local authority that was seen as best practice in this area, Essex County Council, to explain how they were tackling the problem. In response to the task group's recommendations, a further

£2m additional investment was made into the Council budget for 2016-17 with continuing additional investment in 2017-18. The funding supports 50 additional social workers along with associated management and support.

c) **Pilot badger cull in West Gloucestershire**

The badger cull is a particularly controversial and sensitive issue and Gloucestershire found itself at the centre of media coverage when an area in the west of the county was chosen as one of only two pilot cull areas. The Council listened to public concerns and, whilst not wishing to express a view on the pros and cons of the cull itself, set up a task group to look at the impact of the cull on people living in local communities.

A picture emerged of communities caught in the middle of the tensions that had grown between those carrying out the cull, farmers, their families, protestors, individuals alleged to have acted unlawfully, and the Police. Regardless of the political and scientific viewpoint of those giving evidence, the task group provided a forum for the public and organisations to voice their concerns and to allow practical solutions to be found to ease the effect on communities.

The work had far reaching findings culminating in a report which informed Defra's future planning for the badger cull. Three scrutiny members were invited by the Rt Hon Elizabeth Truss MP, Secretary of State for the Environment, to present the findings of the review.

d) **Apprenticeships**

A task group was set up to establish how the Council could best persuade and encourage businesses across Gloucestershire to recruit more apprentices. Members identified the need to engage with local employers, providers, schools, students and parents through informal meetings and visits to various events to 'walk the ground'.

Having conducted in-depth research, the task group focused on two key areas: shaping and supporting employment and skills through the Youth Employment and Skills (YES) campaign (a £1 million fund) and influencing the Local Enterprise Partnership in supporting young people and employers to engage with apprenticeships.

e) **Health scrutiny**

Health scrutiny members have held workshops with health and social care professionals including looking at mental health support to children and young people (jointly with Children and Families Scrutiny

members) and respiratory care. In response to concerns around performance, members visited care pathways, including urgent care and stroke, to see for themselves what is happening rather than sit in a meeting room and discuss issues.

Members agree that targets are, in essence, a blunt instrument and do not inform on what it feels like to receive a service. Taking this approach has enabled committee members to gain a detailed understanding of key issues and how health and social care services operate, and the challenges faced by the health and social care sector. This has informed how members prioritise issues and their lines of questioning, and reinforced the importance of strong partnership working between the council and partner organisations. Importantly it has enabled a greater understanding of the patient experience.

f) **Severn Estuary**

A one day scrutiny commission was held in response to concerns raised by Severn Voice, by a community group representing local people. The Environment Agency's (EA) strategy proposed that flood defences be maintained or improved in some areas and re-aligned in others. This meant that some flood defences would be left to lapse over time.

A scrutiny report outlining a series of recommendations to the EA was published shortly afterwards. As a result of the scrutiny process the EA recognised that a new approach was required and appointed two engagement officers to work with the communities most affected. Scrutiny committees have often struggled to engage with national bodies such as the EA. This piece of work has demonstrated that it is possible for local people and public sector agencies to come together to make a difference.

g) **Registration Service – births, deaths and marriages**

Members had been approached by local people about difficulties they were encountering in using the County Council' Registration Service. These difficulties largely centred around delays in registering births and deaths. Members were concerned at the distress being caused to families at a sensitive time.

The Cabinet member provided a report to the Environment and Communities Scrutiny Committee outlining the steps that would be taken to improve the service. Scrutiny members monitored the improvement plan which included changes to working practices and the recruitment and training of staff. The changes implemented have

resulted in a significant improvement to the service and demonstrate the value of a Cabinet member working in conjunction with scrutiny.

While scrutiny has matured in Gloucestershire over the years, it still faces challenges. One of these challenges is on the effective scrutiny of the draft budget. Each year members are provided with opportunities to meet with Cabinet members and officers in advance of the formulation of the draft budget, as well as meeting afterwards as part of the consultation. Members become frustrated over the lack of information available at an early stage; uncertainty in national funding plays a part in that.

3 Summary

- 3.1 We believe that Gloucestershire has developed an innovative and effective approach to local authority scrutiny. Some people say that scrutiny is not working, has no decision making powers and has no teeth, but our model is proving that scrutiny done well and resourced properly can be one of the most effective ways for councillors to make a difference.
- 3.2 Members are embracing joint working and prioritising activity in areas where they can add value and work in the best interests of the people of Gloucestershire.
- 3.3 Although the feedback received from members has been overwhelmingly positive, there are some areas, particularly around working practices, where improvements could be made. The key messages are:
 - a) To maintain a balance between 'overview' and 'scrutiny' at scrutiny committees. Overview remains vital in ensuring that members have the relevant information to scrutinise a particular issue but on occasions these items take over the meeting leaving limited time for scrutiny items.
 - b) To take work planning away from formal scrutiny committee meetings. This is already happening in most cases, and it is recognised that each committee will need to develop its own approach.
 - c) To consider whether there might be a better mechanism for performance reporting, particularly in terms of the current role played by the Overview and Scrutiny Management Committee. For example, there could be four dedicated performance monitoring meetings each year to fit in with the quarterly reporting cycle.

- d) To formalise arrangements for the chair of the Audit and Governance Committee to be drawn from an opposition group. If this is to be included as a requirement in the Council's Constitution then it will need to be considered by the Constitution Committee.
- e) To reinforce the message that, although requests for particular scrutiny reviews may come through motions at full Council, the Overview and Scrutiny Management Committee has responsibility for the detailed arrangements relating to the review. The committee will determine the terms of reference, time frame and best approach having regard to the subject matter and the resources available.
- f) To take steps to improve engagement between the Economic Growth Joint Committee (executive body) and the Economic Growth Scrutiny Committee. It is suggested that the chair of the scrutiny committee be given an opportunity to report on scrutiny activities at each meeting of the joint committee. In line with the well-established health scrutiny arrangements, the co-opted members from the district councils on the Economic Growth Scrutiny Committee have an important role in ensuring that they keep their council informed of economic development activities across the county. The scrutiny committee has a strategic role and should not focus on activities in particular localities.
- g) To recognise that resources for scrutiny are limited, not only in terms of officer capacity but also in terms of the availability of members, and it is essential that resources are deployed in the most effective way. This may mean, for example, that when a scrutiny review is requested through a motion at Council, the Overview and Scrutiny Management Committee may need to delay the review and advise Council accordingly.
- h) Scrutiny is an important learning ground for new councillors. All newly elected members following the May 2017 election should be given a seat on at least one of the scrutiny committees (subject to them not being a member of the Cabinet). It is recognised that the rules of proportionality apply but this should still be possible, even for members outside the three main political groups.
- i) To explore ways of improving the budget scrutiny process so that non-executive members are engaged earlier. This will allow them to be better informed and allow them to make an effective contribution to the budget.

4 Recommendations

It is recommended that:

- a) No changes are made to the Council's scrutiny committee structure at the present time.
- b) To note the response in section 2 to the Communities and Local Government Select Committee (deadline for responses 10 March 2017).
- c) The specific issues relating to working practices highlighted in section 3 are noted and taken forward by the Council after the May 2017 election.

Cllr Brian Oosthuysen

Chairman of the Overview and Scrutiny Management Committee

Scrutiny Structure

