

TITLE	Scrutiny Improvement Review
FOR CONSIDERATION BY	Overview and Scrutiny Management Committee on 13 June 2022
WARD	None Specific
DIRECTOR	Graham Ebers, Deputy Chief Executive

OUTCOME / BENEFITS TO THE COMMUNITY

The role of Overview and Scrutiny is to hold decision makers to account, both inside and outside the Council. It provides independent “critical friend” challenge to the Council and other public service providers across the Borough. Overview and Scrutiny plays a role in developing and reviewing policy and ensuring that the Council and its partners are working effectively to improve services for residents, businesses and visitors. Effective scrutiny is an important element of the successful functioning of local democracy.

RECOMMENDATION

The Committee is requested to:

- 1) consider the Council’s approach to Overview and Scrutiny in light of the examples of good practice provided by the Centre for Governance and Scrutiny (CfGS);
- 2) note the structure of the Scrutiny Improvement Review, with on-site interviews with Members and officers on 20 and 21 June 2022;
- 3) give further consideration to the Overview and Scrutiny function following receipt of the recommendations for improvement from the CfGS.

SUMMARY OF REPORT

In 2021 the Council underwent a LGA Corporate Peer Challenge. As part of the peer challenge process the Council asked the LGA team to advise on how it could make the Overview and Scrutiny function more meaningful and effective. The LGA team observed that Overview and Scrutiny at WBC was often the scene of lively debate and was seen as a political arena rather than creating “good policy” and positive challenge. The team suggested that all Members involved in Scrutiny should understand the terms of reference of each “Scrutiny Board” and recognise what “good scrutiny” looks like.

Following the peer review, the Chief Executive commissioned the Centre for Governance and Scrutiny (CfGS) to carry out a Scrutiny Improvement Review (SIR). The SIR includes the following elements:

- A review of documentation and Overview and Scrutiny reports;
- On-site interviews (scheduled for June 20/21) and observation of Overview and Scrutiny meetings;
- A study of Scrutiny’s role and integration in the Council;
- Joint development of an improvement action plan with follow up work as necessary.

The report gives details of the SIR process and provides guidance on what “Good” looks like in the context of Overview and Scrutiny.

Background

In 2019 the Government published Statutory Guidance on Overview and Scrutiny in Local Authorities. The guidance stated that effective Overview and Scrutiny should:

- Provide constructive and “critical friend” challenge;
- Amplify the voices and concerns of the public;
- Be led by independent people who take responsibility for their role;
- Drive improvement in public services.

In 2021 the Council underwent a LGA Corporate Peer Challenge. As part of the peer challenge process the Council asked the LGA team to advise on how it could make the Overview and Scrutiny function more meaningful and effective.

The LGA team observed that Overview and Scrutiny at WBC was often the scene of lively debate and was seen as a political arena rather than creating “good policy” and positive challenge. The team felt that all Members involved in Scrutiny should understand the terms of reference of each “Scrutiny Board” and recognise what “good scrutiny” looks like.

Following the peer review, the Chief Executive commissioned the Centre for Governance and Scrutiny (CfGS) to carry out a Scrutiny Improvement Review (SIR). CfGS is the leading national body promoting and supporting excellence in governance and Scrutiny. The SIR provides Councils with CfGS expertise to assess where Scrutiny is adding value, identify improvements and help to implement practical solutions.

The SIR process is carried out through a combination of:

- An online review of the Council’s documentation and reports;
- On-site interviews (June 20/21) and observation of Overview and Scrutiny meetings;
- A study of Scrutiny’s role and integration in the Council;
- Joint development of an improvement action plan with follow-up engagement as necessary.

The SIR looks at the following areas:

- Culture – the relationships, communication and behaviours underpinning the operation of the Overview and Scrutiny process – the Council’s corporate approach, organisational commitment and the status of Scrutiny;
- Member engagement – are Members motivated and engaged? How do they participate, take responsibility and self-manage their role?
- Member skills and application – are skills up-to-date and can Members participate fully or are there development gaps?
- Information – how information is prepared, shared and accessed and used to support the Scrutiny function.
- Impact – ways to ensure that Scrutiny is effective, that it makes a positive difference in the effectiveness of the Council and to local residents;

- Focus – how prioritisation, timeliness and relevance of the work programme and agendas lead to value-adding and productivity;
- Structure – formats used by Scrutiny to carry out its work and how effective these formats are.

Themes Identified by the Centre for Governance and Scrutiny from SIRs

CfGS has been undertaking SIRs since 2018 and has now completed over 30 reviews. CfGS has published information on the main themes identified through the SIR process to date. Details of the four main themes are set out below.

Theme 1 Organisational Commitment to Scrutiny

The attitude of the Executive towards Scrutiny – effective Scrutiny requires a strong organisational commitment – without that commitment, Scrutiny will struggle to have its voice heard. The prevailing organisational culture, behaviours and attitudes of an authority will largely determine whether its Scrutiny function succeeds or fails.

Parity of esteem – Putting the Executive and Scrutiny on a more equal footing creates conditions for effective challenge to happen. Parity of esteem means that the Scrutiny function has a similar level of importance as the Executive. The work of the Overview and Scrutiny Committees should be treated with the same respect as the work of the Executive.

Resourcing – a key indicator of the organisation’s commitment to Scrutiny is the decision to resource it appropriately. Nationally, the past decade has seen a reduction in the available resource for Scrutiny.

What “Good” looks Like

- Clarity on the role and purpose of Scrutiny within the Council’s overall governance framework and how it aligns with Council decision making;
- Proactive approaches by political and officer leadership to draw Scrutiny into discussions on the development of policy;
- An understanding that Scrutiny’s sense of what is important may not always tally with the Executive’s;
- Support for the Scrutiny function and a recognition of the value it can add to overall Council governance.

Theme 2 Member engagement and fostering good relationships

Member Leadership – Good Chairs are crucially important - having Members in chairing positions who command respect and are independent-minded. Scrutiny is more effective in councils which take Member support and development more seriously.

Scrutiny Members’ Engagement – nationally, the commitment of Scrutiny Members is variable. In most councils there is a core of committed and engaged Members.

Sometimes these Members are drivers of high quality work and continuous improvement, but they may also act as a barrier to change.

Scrutiny Members' behaviours – Scrutiny is not always a politically neutral space. There will always be differences of opinion and disagreement about policy and decisions – this should be factored in. If Scrutiny becomes too politically charged or adversarial mutual trust and respect may be weakened, leading to negative outcomes.

Scrutiny may also become a “conversation” or an information exchange or become too focused on detailed aspects of performance with too little emphasis on improving through enquiry and constructive challenge, evidenced by strong recommendations to the Executive.

Relationships with the Executive and senior officers

Evidence suggests that both the Executive and Scrutiny benefit from a closer relationship. Rather than operating along parallel tracks, greater collaboration enables Scrutiny to align and play a greater role in policy development. It also allows the Executive to draw on a different perspective and source of recommendations. When Scrutiny and the Executive engage earlier and share future plans, it builds a better understanding of what decision makers are trying to achieve and how Scrutiny can test and refine these plans.

What “Good” looks like

- A role description for chairing and Committee member roles – providing clarity around expectations and responsibilities;
- Scrutiny chairs elected on the basis of ability to lead and to lead impartially – supported with specialised coaching and mentoring;
- Scrutiny development training for all Scrutiny Members to develop a common understanding of what “Good” practice looks like;
- Scrutiny and Executive working collaboratively within a framework where Scrutiny’s independent challenge role is recognised and welcomed – this involves regular communication and information sharing;
- Upholding respectful behavior between Members and between Members and officers in the context of robust challenge and probing questions.

Theme 3 Prioritising work and using evidence well

Scrutiny’s role – the Government’s statutory guidance on Scrutiny (2019) highlighted the importance of articulating Scrutiny’s role clearly. Prioritising well has three main stages:

- Establishing Scrutiny’s role within the Council’s governance structure;
- Ensuring that Scrutiny has access to timely and relevant information;
- Developing a work programme which focuses on the most important issues – delivery is able to demonstrate the impact made by Scrutiny.

Information – accurate, timely information is key to the effective delivery of Scrutiny. It enables Scrutiny to prioritise its work programme and to understand what is happening within the organisation. A key part of Scrutiny’s role is representing the “voice” of local communities. There are a number of ways to engage with residents more effectively – these include the use of social media, calls for evidence and taking Scrutiny out into the community – meeting local stakeholders away from the Committee setting.

Work Programming - work programming is key to ensuring that Scrutiny stays focused on strategic issues where it can make an impact. The work programme should include a focus on the high impact issues set out in the Council Plan. Scrutiny should also focus on cross-cutting issues which affect residents across the Borough. To be effective, the work programme should be Member-led.

What “Good” looks like

- Scrutiny Members developing greater expertise and insight, e.g. on finance, commercial activities and transformation;
- Using independent experts and more officer “masterclass” style events to build Member knowledge and confidence;
- Changing the way that information is provided to Members, reducing the number of items coming to Scrutiny for noting and/or information;
- Developing the annual work programme process to involve greater engagement with residents, Members, officers and partners;
- Ensuring that work programming is flexible enough to include new issues which emerge during the year;
- Greater focus on engagement with the public, e.g. through site visits and use of social media.

Theme 4 Making an Impact

Scrutiny impact is a recurring theme in SIRs – the timing of Scrutiny’s involvement in the decision-making process can have a considerable effect on its impact. Pre-decision Scrutiny needs to happen at early stage in the process of policy formulation rather than when decisions are imminent. Too often, Scrutiny work has limited impact because it is focused on activity and not on outcomes, e.g. what is the impact of Scrutiny’s recommendations on the residents of the Borough. Making high quality recommendations and understanding the impact on local communities is an essential part of effective Scrutiny. There must be an effective feedback loop once recommendations are considered by the Executive and implemented. Task and Finish Groups are highlighted as an example of successful Scrutiny as they allow greater focus on a single issue combined with the opportunity to engage with subject experts and local stakeholders.

What “Good” looks like

- Publishing an annual report to Council setting out Scrutiny’s focus and impact over the past year;

- An emphasis on developing strong recommendations to the Executive;
- Moving Scrutiny towards more outcome-focused Scrutiny meetings through better planning and preparation;
- Reviewing how Scrutiny recommendations are developed and how their impact is measured;
- Greater use of Task and Finish Groups – facilitating improved cross-party working and detailed investigation on matters of public interest.

Executive – Overview & Scrutiny Protocol

The Government’s statutory guidance suggested that an Executive-Scrutiny Protocol can help to deal with the practical expectations of Executive and Scrutiny Members, as well as the cultural dynamics within the organisation. In 2019 the Protocol at Annex A was approved by the Executive and the Overview and Scrutiny Management Committee. The Protocol addresses a number of the themes set out in the report including the important issue of closer working between Scrutiny, the Executive and the Corporate Leadership Team.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces severe funding pressures, particularly in the face of the Covid-19 crisis. It is, therefore, imperative that Council resources are focussed on the vulnerable and on its highest priorities.

	How much will it Cost/ (Save)	Is there sufficient funding	Revenue or Capital?
Current Financial Year (Year 1)	0	NA	NA
Next Financial Year (Year 2)	0	NA	NA
Following Financial Year (Year 3)	0	NA	NA

Other financial information relevant to the Recommendation/Decision
None.

Cross-Council Implications
Effective Overview and Scrutiny helps to drive service improvement, policy development and the achievement of value for money for the Borough’s residents.

Public Sector Equality Duty
Due regard has been given to Council’s Public Sector Equality Duty.

Climate Emergency – The Council has declared a Climate Emergency and is committed to playing as full a role as possible – leading by example as well as by exhortation – in achieving a carbon neutral Wokingham Borough by 2030

The O&S Climate Emergency Task & Finish Group has produced two reports with a number of recommendations to the Executive aimed at improving the Council's Climate Emergency Action Plan.

List of Background Papers

CfGS – Scrutiny Impact Reviews – Themes and Findings

Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities - 2019

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