

NORTH LINCOLNSHIRE COUNCIL

CABINET

**CORPORATE SCRUTINY PANEL REPORT - DEVELOPING THE ROLE
OF OVERVIEW AND SCRUTINY**

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To consider the report of the Corporate Scrutiny Panel entitled "Developing the Role of Overview and Scrutiny".

2. BACKGROUND INFORMATION

- 2.1 Under the revised overview and scrutiny procedure rules agreed at the annual meeting of the council on 25 May 2011, scrutiny reports must now be considered by cabinet. The Corporate Scrutiny Panel have recently completed a review into Developing the Role of Overview and Scrutiny
- 2.2 The Panel carried out this piece of work to undertake a 'fitness check', as part of its work to improve the overall effectiveness and impact of the overview and scrutiny function.
- 2.3 Following the review the panel have made 16 detailed recommendations. A copy of the panel's report including the recommendations is attached as an appendix to this report.

3. OPTIONS FOR CONSIDERATION

- 3.1 There are no options associated with this report.

4. RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)

- 4.1 There may be some resource implications associated with the recommendations when they are eventually implemented.

**5. OTHER IMPLICATIONS (STATUTORY, ENVIRONMENTAL, DIVERSITY,
SECTION 17 - CRIME AND DISORDER, RISK AND OTHER)**

- 5.1 There may be other implications associated with the implementation of the recommendations which will be highlighted in any action plan.

6. **OUTCOME OF CONSULTATIONS**

6.1 The panel consulted widely with other members and officers and with many of the staff involved in the scrutiny process.

7. **RECOMMENDATIONS**

7.1 That the report be received.

7.2 That the Cabinet member for Policy and Resources and the Director of Policy and Resources consider the contents of the report and prepare an action plan in response to the recommendations for submission to a future meeting of cabinet.

DIRECTOR OF POLICY AND RESOURCES

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19 June, 2012

Background papers used in the preparation of this report - Report of the Corporate Scrutiny Panel



Scrutiny Report

Corporate Scrutiny Panel

Developing the Role of
Overview and Scrutiny

April 2012



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FOREWORD FROM THE CHAIRMAN



Cllr Ivan Glover
Chairman of Corporate Scrutiny Panel

This short report sets out the Corporate Scrutiny Panel's recommendations to improve the operation of North Lincolnshire Council's Overview and Scrutiny Function. Overview and Scrutiny is intended to enable elected members to ensure that local services across North Lincolnshire are performing well and providing value for money. It also has a role in researching and suggesting how services can improve, and ensuring democratic accountability at a local level. Research from the Centre for Public Scrutiny provides clear evidence that scrutiny regularly secures demonstrable improvements to services, and provides an important role for non-executive councillors.

This report was completed in a period of change. Responsibility for services is increasingly devolved away from Parliament towards local organisations, elections for a Humberside Police and Crime Commissioner

are planned for November 2012, and there are profound changes underway around how health and social care are commissioned and delivered. Each of these will require accountability and transparency to be built into their terms of reference, and it is likely that this will lead to an increased profile for scrutiny. It is a challenge that we are prepared for, and are working with our partners to achieve.

The report sets out some key recommendations. We believe that there is a genuine need to create a dedicated 'Health' panel, to concentrate on ensuring the reforms in the NHS succeed locally, and to free-up the People Scrutiny Panel to focus more on services provided to children, young people and the vulnerable. We also believe that panels need to meet more frequently, consider 'tapping-in' to local people's experiences and expertise more, and to publicise their work more, including through new channels such as social media. Our general view is that scrutiny is working well in North Lincolnshire, but there is scope to improve this by working closer with our colleagues, and by concentrating our resources where we can have the greatest impact.

I would like to thank the Vice-Chair, other members of the panel, and all participants of the workshop for their valuable input. This was a short review, but I genuinely believe that our recommendations will ensure that scrutiny will continue to provide the local accountability that residents wish to see, but in a more effective, focussed and outcome-based manner.

BACKGROUND & SCOPE OF THE REVIEW

The members of the Corporate Scrutiny Panel agreed to undertake a 'fitness check', as part of its work to improve the overall effectiveness and impact of the overview and scrutiny function.

This review is based upon the Centre for Public Scrutiny's effective scrutiny model. It offers a supportive approach to determine the current scrutiny arrangements fitness for purpose, and aims to help members identify its current strengths as much as what it needs to improve.

SCOPE OF THE REVIEW

The scrutiny panel agreed to focus on a number of key issues. These were:

- To ensure that overview and scrutiny is structured in a sustainable, effective manner with relevant terms of reference,
- To ensure that the methods of working can respond effectively to new and existing responsibilities,
- To improve overview and scrutiny's effectiveness in leading to real improvements for local people,
- To ensure that decision-makers are democratically held to account.

RECOMMENDATIONS

The recommendations of the scrutiny panel are summarised below:

Principle 1

Provide ‘Critical Friend’ challenge to the Executive and external agencies

Recommendation 1

That given the important developments surrounding the health and crime agenda planned to take place in these key areas in 2012/13, the panel recommends that the number of scrutiny panels be increased to four panels, to include a dedicated Health Scrutiny Panel.

Recommendation 2

That should the scrutiny function be broadened, consideration be given to the member capacity within the council to service a greater number of scrutiny panels. Again, we would recommend that appropriate steps be put in place from the start of the 2012/13 municipal year.

Recommendation 3

Members were complimentary of the attendance and opportunity to question members of the executive at scrutiny panel meetings. However, scrutiny members would like the flexibility to be able to invite cabinet members to attend meetings on a more ad-hoc basis should they seek further insight, clarification or explanation to policy changes or service developments or other specific issues identified by the panel.

Recommendation 4

At the start of each municipal year, members would like to receive a presentation from the relevant director outlining the service priorities for the forthcoming municipal year.

Recommendation 5

That scrutiny panels give due consideration to co-opting non-voting ‘experts’ on to individual scrutiny panels when they are discussing ‘technical’ issues, or to co-opting interested parties, service users or others when reviewing other services.

Principle 2

Scrutiny reflects the voice and concerns of the public and its communities

Recommendation 6

Scrutiny panels need to be more proactive in communicating the work and outcomes to fellow members, officers across the council, external partners and stakeholders, town and parish councils and Neighbourhood Action Teams. The panel recommends that Democratic Services facilitate the promotion of scrutiny via the use of social media, the council’s web site and a designated overview and scrutiny e-newsletter. We would wish to see measurable improvements in place within three months of the cabinet receiving this report.

Recommendation 7

That the Council’s Designated Scrutiny Officer explore further opportunities to involve the public in the scrutiny process.

Promotion of the ‘public request to speak’ facility as well as publicising on-going reviews and panel business would assist in engaging members of the public and the community at large. We would wish to receive a range of options identifying how this could be achieved within three months of the cabinet receiving this report.

Recommendation 8

That individual scrutiny panels give due consideration, as part of the scoping of a review, to adopting a flexible approach to meeting venues and start times in order to engage the public and move away from meetings commencing in the afternoon at the Civic Centre (also see recommendation 14).

Principle 3

Taking the lead and owning the scrutiny process on behalf of the public

Recommendation 9

That the Council’s Designated Scrutiny Officer be asked to undertake a benchmarking exercise, facilitated by the Centre for Public Scrutiny, to obtain examples of how other councils use the scrutiny process to consult on the council’s financial and budgetary process. The findings should be reported back to the Corporate Scrutiny Panel within three months of the cabinet receiving this report. Upon receipt of the information, an action plan should be drawn up stating how the new proposals will be implemented.

Recommendation 10

That consideration be given to the scheduling of an annual overview and scrutiny workshop to allow members to discuss the continued development and improvement of overview and scrutiny. Similarly, following the completion of a piece of work, scrutiny panels should routinely look back using action learning principles to identify lessons learned and to share elements of good practice with other panels.

Recommendation 11

That consideration be given to increasing the frequency of scrutiny panel meetings throughout the municipal year 2012/2013. We would recommend that appropriate steps be put in place from the start of the 2012/13 municipal year.

Recommendation 12

That the council’s Designated Scrutiny Officer be asked to consider how the role of overview and scrutiny in the development of strategic policy and plans can be enhanced.

Principle 4

Making an impact on service delivery

Recommendation 13

That included on each scrutiny agenda will be a standard item titled ‘outstanding reports’. This will be an evolving document, similar to the report to Cabinet, which will allow members to track which reports relevant to the panel’s terms of reference are awaiting an action plan and/or scrutiny re-visit.

Recommendation 14

That paragraph D5.04 a of the overview and scrutiny procedure rules be revised to allow greater flexibility for Chairman and/or Vice-Chairs to vary, omit or call further meetings of scrutiny panels to ensure that members can react positively to developments in their service area.

Recommendation 15

That in order to ensure meetings are as productive and outcome based as possible, political group offices, wherever possible, refrain from nominating more than one substitute member per meeting.

Member Development

Recommendation 16

The council needs to develop and support members so that they have an improved ability and increased confidence to question and challenge, as well as evaluating evidence.

FINDINGS

The following paragraphs are based on discussions held by members around the four key principles of effective overview and scrutiny.

Principle 1 Provide ‘Critical Friend’ challenge to the Executive and external agencies

A key role for overview and scrutiny is to challenge both the council’s executive, the Community Safety Partnership and external decision-makers in the NHS. This includes overall strategy and individual decisions. Members have considered whether this ‘critical friend’ challenge is effective locally and found a mixed picture. There is a genuine feeling that there is certainly the potential for overview and scrutiny to hold others to account, although, for a range of reasons, this is not always done.

Scrutiny members generally welcomed a greater input from cabinet colleagues through regular informal briefings, as they felt that this provided information and context, and served to ‘horizon-scan’ topics that might be subject to review or change in the future. This helped to identify subjects that might require further information, consultation or greater scrutiny. These meetings also helped to demonstrate accountability and enabled scrutiny members to ask cabinet members questions about their portfolio.

Despite this, some members expressed concerns that, because these update sessions varied in content and delivery, they were of variable benefit. As much of the information

presented by the cabinet member was newly presented at the meeting, some members felt unprepared to ask in-depth questions. This echoes previous complaints when members are briefed by senior external partners on ongoing and future work. Possible solutions are listed in the panel’s conclusions and recommendations.

Overview and scrutiny has a right to ‘call-in’ any decision taken by cabinet or (either individually or jointly) a cabinet member. At the time of drafting this report scrutiny has called-in five decisions in 2011/12, with one referred back to the decision-maker for reconsideration and four agreeing that no further action needs to occur.

One potential weakness that was identified by the scrutiny panel is around scrutiny ‘closing the loop’ and revisiting previous work to ensure that:

- recommendations have been implemented,
- if they have not been implemented, then whether the reasons have been communicated to members, and
- what impact the panel’s work has had upon services.

This enables scrutiny to measure its effectiveness.

A generally positive relationship with senior colleagues and external partners was reported, although some felt that scrutiny was sometimes seen as ‘a barrier to be overcome’ in order to achieve a specific outcome. It has also been widely noted that

the external partners that scrutiny will have to deal with are likely to change, as a result of reforms in the health and social care fields and with the election of a new Police and Crime Commissioner.

Historically, all scrutiny reports were considered by meetings of Council. There was general agreement that this enabled all members to accept and debate the report, and to gain publicity for issues that will be of interest to the public. This is discussed further in the panel's conclusions and recommendations.

Finally, it was agreed that robust scrutiny of the council's proposed budget remained cursory at best. Over the years, various methods have been trialled to improve this with limited success.

Principle 2

Scrutiny reflects the voice and concerns of the public and its communities

Scrutiny, like all areas of elected members' work across the council, is informed by their contact with the public and local communities. Beyond this, it is considered good practice if members of the public are engaged by scrutiny to hear local people's views, that there is good knowledge of scrutiny amongst the public and local organisations, and there is a 'way-in' for local people to attend meetings and to have an input to the process.

One welcome development in recent years has been the introduction of a 'public right to speak' at scrutiny. This allows residents to discuss any issue relevant to the scrutiny panel's terms of reference. However, the public, perhaps due to a lack of knowledge, does not regularly use this opportunity. Members believe that this could be publicised further.

Scrutiny members generally believe that local people's knowledge of scrutiny is poor. Within the council and across external partners, as would be expected, knowledge is better, although this knowledge tends to be held by members and senior officers who will have more contact with scrutiny. Knowledge of scrutiny below Assistant Director level is patchy at best.

Members identified a number of opportunities to increase knowledge of scrutiny, engagement with all, and ensuring that work is informed by the public's views and concerns.

One method would be to work more closely with local and regional media, perhaps at the start of reviews to invite local people to pass on their views, and then when recommendations are drafted, in order to publicise where improvements are being sought. The scrutiny team has piloted this previously, and members feel that this approach should be routinely considered when members plan their work programme, with guidance from the communications team.

Consideration should also be given to arranging meetings outside of the usual working day, and in other locations across North Lincolnshire. A more proactive relationship with community groups, Town and Parish Councils and the locality teams would help to engage people.

Scrutiny has a history of seeking evidence from the public. Currently, the Places Scrutiny Panel is consulting Neighbourhood Watch co-ordinators about their role. However, consultation is not always possible for a number of factors, such as patient or client confidentiality. Despite this, there are alternative sources of information, and members are clear that a scrutiny review without the input of local or affected people should be a rarity.

Finally, members believe that the use of social media and digital technology should be implemented. This could help seek views, build a dialogue with residents, receive suggestions for work topics, provide evidence etc. The council has recently adopted a code of practice so there are no barriers to forming a social profile, and to begin engaging with interested individuals and groups.

Principle 3 Taking the lead and owning the scrutiny process on behalf of the public

Overview and scrutiny in North Lincolnshire has the potential to empower members to take the lead on behalf of service users and

the community. It is a flexible approach, for example, scrutiny panels can do a quick overview or consider undertaking more in-depth work.

Scrutiny panels are understandably politically balanced. However, members expressed their belief that 'ordinary' meetings are not political and the agendas are managed without regard for party politics.

Members are quite clear in their view as to what they want to achieve from the scrutiny process. Scrutiny members have always had a real passion for policy review and development and how that can be utilised to help inform new policy work and service development activities.

However, concentrating solely on this discipline has often led to other important aspects of overview and scrutiny being neglected, namely performance monitoring, responding to consultations, regional scrutiny and holding the executive and partners to account. All panels do undertake these roles, but with varying degrees of success and participation by members.

Attitudes with regard to effectiveness in some of these roles vary significantly. Responses from the panel's questionnaire demonstrate that the effectiveness at holding the executive to account is also viewed poorly. This is disappointing bearing in mind that cabinet members now attend scrutiny panel meetings bi-monthly to discuss their executive portfolios. Clearly this is an area that needs further development.

However, financial scrutiny has always been the one aspect of overview and scrutiny that members have felt least engaged in. This is particularly troubling considering that council finances are likely to be the issue demanding the closest scrutiny.

This may be due in part to these being areas where members have least experience or where specialist support may be needed but unavailable. This would indicate that financial scrutiny needs more support going forward and, with the current economic climate unlikely to improve in the shorter term, this issue needs attention.

Member/officer relationships are considered positive and productive. Members value the support they receive from the scrutiny team and are generally open to new ways of working and advice from officers.

Members unanimously agreed that holding monthly meetings of scrutiny panels actually disengages members as opposed to its intention of including members. One member quoted in their response to the consultation “Only having one meeting per month restricts the scope and amount of reviews possible. It also restricts member involvement in terms of continuity and too much time between meetings.” Whilst the intention was a good one, in reality members need to hold more regular meetings in order for the scrutiny process to be more inclusive.

There has been little variance in panel membership throughout the years. This has

been to overview and scrutiny’s advantage as members have built up a level of expertise in their panel’s terms of reference. This has enabled members to build up relationships with all relevant stakeholders.

As was mentioned previously, there is a common belief from scrutiny members that there needs to be an extension to the number of scrutiny panels appointed by the council in order to encapsulate the ever changing, yet increasing health and crime agenda. Members of the People Scrutiny Panel expressed their concern that their terms of reference are too large and, as a result, meant that they could not pay the required time and effort to all its appointed disciplines. However, the constraints posed by the number of members who are available has implications for how the scrutiny function is structured.

Members were unified in their belief that good people will make any structure work, what is required is a structure that enables overview and scrutiny to proactively and reactively inform and enhance the strategic policy making and planning.

The council has appointed a Designated Scrutiny Officer to be an advocate for scrutiny. This has helped to raise the profile of the function. However, it needs to be emphasised that all council officers have a responsibility to support the work of overview and scrutiny.

It is also apparent that the role of overview

and scrutiny in performance management is underdeveloped. The process therefore needs to be reviewed to ensure that it deals with performance management at all levels, with increased focus on outcomes rather than inputs.

Principle 4
Making an impact on service delivery

Scrutiny has the potential to deliver a key role in monitoring external partnerships and in driving improvements in public services.

It is vital therefore that scrutiny work is focused on practical improvements to public services. Members should focus on asking questions of service providers that:

- challenge traditional ways of doing things
- ask them how they ensure the needs of all sections of the community are met
- ask about value for money and why the provider has chosen to deliver a service in a particular way.

Evidence from the Centre for Public Scrutiny states that smaller councils can struggle to resource scrutiny effectively. It is nonetheless the case that councils can still achieve change and benefits for their communities if they:

- prioritise their work so that they do not try to do too much
- focus on the key issues that matter to local people
- work with partners and other agencies to help support their reviews and gather evidence.

In the main, North Lincolnshire Council overview and scrutiny fulfills the aforementioned objectives, which is credit to the Chairman, Vice-Chairs and panel members.

There are examples of scrutiny pro-actively monitoring the implementation of recommendations. For example, the review into sickness absence at North Lincolnshire Council is an example of scrutiny members holding the executive to account on an annual basis. So much so that the Centre for Public Scrutiny shortlisted scrutiny members for their work in achieving value for money for the organisation.

However, it would be wrong to imply that this thorough monitoring of scrutiny recommendations occurred for each and every completed review. Therefore, this is one area that needs to be improved.

Members are of the belief that further work needs to be undertaken with regard to developing individual scrutiny panel work programmes. Members are becoming increasingly frustrated that upon the selection of a review topic, they are informed that a similar piece of work is being undertaken, thus duplicating the members' work programme.

Members need a greater understanding of their terms or reference in order to stimulate some debate as to topics to be scrutinised. This shift to a more focused work programme would ensure that members are working

smarter rather than investing time and energy in activities that have little impact. This will help to build the credibility of scrutiny but will also entail making difficult choices as to what really matters, rather than what is nice to do. Value for money should be a key consideration when choosing topics to scrutinise.

Members were also in agreement that despite members of the executive regularly attending scrutiny panel meetings, scrutiny is not sufficiently engaged in policy development. Members would like scrutiny to be involved at a much earlier stage to influence and shape new policy work.

Member Development

Outside of the four key principles, member development is an area that the scrutiny panel feels could be tailored better. Several key improvements are discussed below.

Historically, scrutiny training for members has been generic and often delivered when a new set of members are in place post-election. This is often supplemented with occasional opportunities for external training that may arise, or by members attending one of the regular scheduled sessions on a topic of interest. Members believe that a more systematic approach would be more beneficial, particularly for Chairmen and Vice-Chairs.

Firstly, there should be regular, specialist training for members based on the terms of

reference of the panel that they sit on, and delivered wherever possible, either by 'in-house' personnel or from external partners. This should be supplemented by quarterly policy briefings of relevant developments for all panels, again, based on their terms of reference. This would prevent the same information being presented to all panels, and would also enable members to build up a specialist knowledge of 'their' area and enable them to scrutinise more effectively.

This should be supplemented by the regular delivery of training on vital topics for effective scrutiny, such as questioning and listening skills, critical thinking and analysis, scoping reviews, project management, etc.

There may also be an opportunity for greater use of workforce shadowing. During a review it is often a great source of knowledge to spend a day or two working 'at the coal-face', in order to chat with staff and people receiving services, and to greater understand their experiences. For the scrutiny officers, there may also be an opportunity for some short, informal secondments of a week or so into relevant teams during the recess period.

Related to this, wherever possible, scrutiny reviews should include site visits to relevant places, again, in order to speak with staff and local people

CONCLUSION

North Lincolnshire Council is committed to improving the effectiveness of its overview and scrutiny function. Currently there are some recognisable strengths and good practice, and members and officers have a shared commitment to achieve sustainable improvement.

As the member development workshop demonstrated, there is a shared enthusiasm to improve scrutiny and make it more effective. In particular, members wish to progress further their knowledge and understanding of the less traditional overview and scrutiny disciplines instead of simply focusing on policy review and development.

There is evidence that the executive is positively embracing scrutiny recommendations and the strong working relationships that exist within the council and with partners is impacting positively on service delivery.

The culture and relationship between the political parties is generally positive, call-in is used responsibly, and there is no evidence the whip is used.

Member and officer relationships are good, but there are opportunities for further training and development to ensure that members' support needs are identified and addressed.

However, scrutiny is not sufficiently focussed on outcomes and the potential for policy development is not being exploited. The ever increasing workload of the People Scrutiny

Panel is a cause for concern and needs to be addressed.

Further development is also required to ensure that scrutiny communicates effectively with its residents.

Clear opportunities now exist to achieve more effective overview and scrutiny. This will involve continued ownership and commitment from members and officers, and the involvement of both, in shaping further developments and innovations.

APPENDIX 1

Membership of the Corporate Scrutiny Panel.

Councillor Glover (Chairman)

Councillor Wilson (Vice-Chair)

Councillor Bainbridge

Councillor Eckhardt

Councillor Marper

Councillor Oldfield

Councillor Wardle

The panel conducted a number of evidence gathering sessions, speaking to a range of key officers from the council and its partners.

The panel would like to thank them for their valued input and attendance. They also received and considered a range of written evidence, including local and national research, guidance and legislation.

APPENDIX 2

Stakeholders interviewed as part of the review

Will Bell Assistant Director Democratic and Legal, Corporate and Community Services,
North Lincolnshire Council

Mel Holmes Head of Democratic Services, Corporate and Community Services,
North Lincolnshire Council

Richard Mell Principal Democratic Services Officer, Corporate and Community Services,
North Lincolnshire Council

Member Development session attended by 14 overview and scrutiny members

