



## The scrutiny evaluation framework

A mechanism for reviewing, evaluating and improving local government scrutiny and governance arrangements

processes devolution **design principles**  
**evaluation framework review**  
transparency governance **research**  
**The scrutiny evaluation framework**  
**A mechanism for reviewing, evaluating and**  
**improving local government scrutiny**  
**and governance arrangements**  
**focus** responsibilities arrangements  
**structure agreement** commitment **maximising**

## INTRODUCTION

Local government is changing. Major changes to the way that services are planned and delivered (including devolution), the financial challenge and increased demand on issues like social care mean that elected councillors are making increasingly important decisions which will have a profound impact on local people's lives for many years. Effective decision-making demands good governance. Good governance demands good scrutiny.

How can scrutiny arrangements be reviewed and improved to meet these challenges? In short, how can scrutiny be engineered to add value, make a difference to local people's lives and central to streamlined and responsive local decision-making?

This framework provides a mechanism for local authorities to address and answer these questions.

Our thanks are due to the scrutiny practitioners who provided comments on a draft of this document.

### **Background: where does this come from?**

This framework is based on a number of earlier documents:

- Our "Accountability Works for You" framework (2011) and our scrutiny self-evaluation framework (2006), both earlier iterations of this new model;
- The fifteen "characteristics of effective scrutiny" developed following comprehensive research alongside the Wales Audit Office;
- Measures and principles relating to the impact and influence of Parliamentary select committees, based on research carried out by the Constitution Unit and the Institute for Government;
- Recent CfPS publications, in particular:
  - Tipping the scales (2012)
  - Our "Practice Guide" series (2014 / 2016)
  - The change game (2015)
  - Social return on investment (2016)
- Other models chosen and designed by local authorities for the evaluation of scrutiny.

In recent years, the amount of resource available for carrying out scrutiny in local government has lessened. Posts have been made redundant, and responsibility moved to officers, and parts of councils, who may not have had a background in working with members to support them in such a unique council function. While our early framework was designed with the "professional scrutiny officer" in mind, this framework has deliberately been drafted for officers and members who may not have a detailed understanding of scrutiny theory and practice. As such, it is more directive in its approach than previous versions. Despite this, it remains the case that councils must reflect and review their scrutiny arrangements on their own terms.

### **Setting up a group to take responsibility for this work**

Reviews of scrutiny must be led by scrutiny councillors, and the outcomes of those reviews must also be driven by what scrutiny members have concluded. Cabinet and senior officers are important stakeholders, but the process and its conclusions are not theirs to define. For a meaningful, scrutiny member-led process to work, members need to agree principles within which they are prepared to work, and need to commit to recommending pragmatic solutions to problems which might even challenge the accepted wisdom in the authority about what scrutiny does, and what it is for.

A project group, chaired by a scrutiny councillor, may carry out the bulk of the research and analysis we describe below, but this is likely to put a substantial onus on councillors.

In practice we think it more likely that officers – or a single officer - will provide support to the group, reporting back periodically. If this is the case, we would recommend that this officer maintains regular, informal contact with members, to ensure that their expectations are being met. Additionally, we have suggested “checkpoints” at the end of every stage – points at which we think information and evidence would be considered in detail by the project group, and possibly shared with the wider member corps and other interested parties.

Importantly, this works to ensure buy-in to the eventual recommendations. In our experience, reviews which are conducted largely in private, and which then report back their findings to a wider member group which has not been part of that review process, can find it very difficult to secure buy-in and agreement to those recommendations from that wider group of members – especially if those recommendations are contentious.

### **Agreeing some basic design principles**

For some time we have suggested that areas conducting reviews like this agree a set of “design principles” to help them to build consensus about what their governance systems will look like.

Design principles are important. They keep you focused on the way you will work under new arrangements, and help you to avoid fixating exclusively on governance structures (like the number and terms of reference of committees).

We think that local areas embarking on this work are likely to be able to come up with their own design principles, but we present some below to provide some ideas.

## Principle

Members leading and owning

## Some prompts

1. How should members direct the work programme?
2. Which members should be involved in leading the scrutiny process, and how?
3. What should the relationship between members and their support officers look like? What about the relationship between members and officers in service departments?
4. How does the member role influence how scrutiny and its work is presented to the wider authority, and to the area?

Flexibility

1. How will the work programme be flexible to account for unexpected issues emerging during the year?
2. What resource exists to support scrutiny's work, and how can it be best used?
3. How effective do members need to be in working together, and working with others, to achieve their objectives?

A focus on adding value, outcomes and prioritisation

1. How should members build an understanding of the impact of their work?
2. What are the most significant priorities affecting the local area, and how should this affect scrutiny's work?
3. How does scrutiny evaluate, review and improve the way it works?

## Step 1: taking stock

How do we do things now?

There are two aspects to this. The first is to look in – at scrutiny’s current processes and systems. The second is to look out – at the context for the council, the area, and the area’s inhabitants.

### Looking in

This part focuses on key characteristics of effective scrutiny, and invites you to reflect on how you measure up. This isn’t a tickbox exercise – it’s an invitation to think about your current ways of working, to make it easier for you to consider improvements at later stages. As such, the characteristics and prompts we have listed below should be seen as the framework for a conversation and a way to make sure you don’t miss anything, rather than a list, requiring answers to every issue and question.

This stage is important for two reasons – firstly, it helps you to build up an accurate picture of how scrutiny works at the moment, and secondly it ensures that you have a common understanding of those characteristics, and why they are important.

You might wish to consider these characteristics in some of the following ways – depending on the resource you have at your disposal.

- A quick desktop exercise carried out by members and/or officers;
- A single meeting of scrutiny councillors (say, an evening session to work through the characteristics and the prompts);
- A more wide-ranging, but informal, set of discussions – for example, informal meetings with cabinet members, senior officers, partners and other key stakeholders;
- Conversations with members of the public who have engaged with scrutiny (as well as those who haven’t);
- More formal evidence taken at committee meetings.

This should be a challenging and reflective process. It may identify shortcomings with scrutiny; it may lead to despondency that those shortcomings are significant and cannot be overcome. It could also be seen as organisationally risky for scrutiny to take a look at its strengths and weaknesses in this way. However, it is the only way that improvement can happen.

### The characteristics themselves

See Good scrutiny? Good question! (WAO, 2014) – <https://www.wao.gov.uk/publication/good-scrutiny-good-question-auditor-general-wales-improvement-study-scrutiny-local>

Accountability works! (2010) – <http://www.cfps.org.uk/accountability-works/>

## Characteristic

Overview and scrutiny has a clearly defined and valued role in the council's improvement and governance arrangements.

Overview and scrutiny has the dedicated officer support it needs from officers who are able to undertake independent research effectively, and provide councillors with high-quality analysis, advice and training.

Overview and scrutiny inquiries are non-political, methodologically sound and incorporate a wide range of evidence and perspectives.

Overview and scrutiny provides viable and well evidenced solutions to recognised problems.

Overview and scrutiny councillors have the training and development opportunities they need to undertake their role effectively.

The process receives effective support from the council's corporate management team who ensures that information provided to overview and scrutiny is of high quality and is provided in a timely and consistent manner.

Overview and scrutiny is councillor-led, takes into account the views of the public, partners and other stakeholders, and balances the prioritisation of community concerns against issues of strategic risk and importance.

Overview and scrutiny meetings and activities are well-planned, chaired effectively and make best use of the resources available to it.

Decision-makers give public account for themselves at overview and scrutiny committees for their portfolio responsibilities.

Overview and scrutiny is recognised by the executive and corporate management team as an important council mechanism for community engagement, and facilitates greater citizen involvement in governance.

Overview and scrutiny is characterised by effective communication to raise awareness of, and encourage participation in democratic accountability.

Overview and scrutiny operates non-politically and deals effectively with sensitive political issues, tension and conflict.

Overview and scrutiny builds trust and good relationships with a wide variety of internal and external stakeholders.

Overview and scrutiny enables the "voice" of local people and communities across the area to be heard as part of decision and policy-making processes.

We think that scrutiny can be evaluated against these characteristics by posing a number of questions. Below, we provide a list of possible questions, and an indication of where the answers you give to each question may be evidence of good practice, or a cause for concern.

How are scrutiny councillors involved in influencing major decisions, and in considering and evaluating performance, finance and risk information?

**Good practice:** *Evidence of decisions being altered consensually as a result of scrutiny's involvement.*

**Average practice:** *Evidence of scrutiny making recommendations on major decisions, but with limited impact, and sometimes not at the right time.*

**Poor practice:** *Evidence of scrutiny not looking at these issues at all, or doing so in a way that adds little value / duplicates the work of others.*

Do different people with a role in holding decision-makers to account (like scrutiny, the Police and Crime Panel, a combined authority scrutiny committee, local Healthwatch) work together?

**Good practice:** *Evidence of tangible impact resulting from this sort of joint working, such as aligned work programmes and an elimination of duplication, and improvements in substantive joint working between the council and its partners, directly facilitated by scrutiny.*

**Average practice:** *Some limited joint working – usually reactive, in response to an external pressure like a substantive variation in service delivery in the NHS. Some duplication and overlap in work and little awareness of mutual responsibilities. An awareness that some issues are falling between the gaps.*

**Poor practice:** *No joint working, even when clear opportunities present themselves. “Council scrutiny” is siloed, and internally focused. Significant opportunities for local scrutiny are missed without anyone realising that those opportunities existed in the first place.*

## How does scrutiny gather evidence?

**Good practice:** Evidence gathering is tied to the objectives of the work, with the result that scrutiny's time is used more effectively. Information will probably be shared with members informally on a continual basis, to actively assist them in refining the work programme in-year. In respect of task and finish groups, evidence will be gathered from a wide range of sources, and members will have the confidence to analyse and evaluate that evidence themselves (usually with the assistance of officers).

**Average practice:** Evidence on key council performance and other issues will usually be shared with members on a quarterly basis, often when the data is quite out of date. Task and finish groups will benefit from evidence from a range of sources but analysis will be quite officer-led. Members will lack confidence in understanding what information is available within and outside the council and how to access and use it.

**Poor practice:** Committee meetings will be used as the primary mechanism for information sharing, with a large number of reports on agendas "to note", with almost all evidence and information coming in the form of officer reports.

## How does scrutiny weigh the evidence that it has collected?

**Good practice:** Councillors understand the respective value of different kinds of evidence, and use their political and personal judgment to consider which should be relied on to support scrutiny's work. Councillors are confident in developing their own lines of questioning to test the robustness of evidence they receive. Detailed evaluation of evidence is carried out offline, in preparation for the use of that evaluation to conduct more probing and forensic questions in committee, or in other meetings. Successful weighing of evidence could be proven to have led to more robust findings, and better recommendations.

**Average practice:** Analysis of evidence is carried out by officers, with most evaluation of evidence happening in committee, often supported by officer-drafted questioning plans. Members know that certain evidence is more likely to be accurate and reliable than others, but sometimes this can result in pejorative judgments being made, particularly about "anecdotal" evidence from local people.

**Poor practice:** There is no support available from officers to help members to weigh and evaluate evidence, and the need to evaluate and triangulate information from different sources is largely alien to members and the scrutiny function. Members deal with shortcomings in evidence and information by simply asking for "more information" from officers.

How is performance, finance and risk information considered as a part of the evidence-gathering process?

**Good practice:** Information is considered informally as it is created, alongside other evidence created and used by the council and others. Performance, finance and risks information is triangulated with this wider evidence base. Members are able to reach a judgment about escalating issues to committee “by exception”.

**Average practice:** Information is available to members as it is produced but may not be presented consistently (so, performance information may be regularly shared but risk information may not be). Triangulation may be ad hoc, because the council does not have systems for ensuring that members gain access to information in a timely manner.

**Poor practice:** Committees consider information quarterly in committee meetings, usually many weeks after the data itself has been finalised. Information is presented in the form of scorecards. Members ask questions about why performance under certain targets is “red” but have no way of following up on those questions or the answers received. There is little consideration of financial information and little to no consideration of risk information.

What is the tangible impact that scrutiny activity has on the ground?

**Good practice:** Members and officers have a shared understanding of scrutiny’s impact. This impact is significant and sustained, and can be expressed in terms of outcomes for local people. This understanding includes a recognition that scrutiny’s impact is difficult to quantify and that judgments on impact can be subjective.

**Average practice:** Members and officers have an understanding of scrutiny’s impact which may not be shared or universally agreed. Where impact is assessed it may be focused on improving outputs (eg improving an internal council business process) rather than anything else.

**Poor practice:** There is no evidence that scrutiny has any impact and no systems exist to measure it.

What happens when decision-makers disagree with scrutiny?

**Good practice:** *Rules of engagement between scrutiny and the executive have been discussed and agreed by councillors.*

**Average practice:** *There is a scrutiny / executive protocol in the Constitution, although it is quite process-based. Disagreements, when they occur, are usually resolved through negotiation between politicians, pragmatically.*

**Poor practice:** *Decision-makers' decisions always trump scrutiny's views. There is no scrutiny / executive protocol in the Constitution or any other formal/informal mechanism for resolving disagreements.*

When scrutiny makes formal recommendations, how are they responded to?

**Good practice:** *Recommendations are always SMART (specific, measurable, agreed, realistic and timed) and are limited in number. Usually, information about likely recommendations will be shared and discussed with the executive prior to being made. The executive will always submit a substantive response to recommendations, with reasons being given if recommendations are rejected.*

**Average practice:** *Recommendations are usually at least partially SMART. A lot of recommendations might be made, making it difficult to monitor them all. Some recommendations may not be addressed to the right people. The executive's response to recommendations is variable – sometimes recommendations are ignored or “noted” rather than being formally responded to.*

**Poor practice:** *Scrutiny makes few formal recommendations, and when it does they are usually just “noted” by the executive. Recommendations will often be vague and poorly drafted.*

What happens when things go wrong?

**Good practice:** *Safety valves (such as informal meetings for discussion, and lines of communication between political groups) exist within the scrutiny process to eliminate risks before they present themselves. The political and organisational culture of the council is such that potential difficulties, flashpoints and mistakes are highlighted and dealt with frankly and candidly. When problems do present themselves, people work together on all sides to resolve them without recourse to rules and procedures.*

**Average practice:** *There are regular, somewhat formal, meetings between the executive and scrutiny to allow issues of concern to be raised, but no real mechanisms to pre-empt problems. When problems do occur, the focus can be on what rules and procedures say about the issue, rather than identifying an equitable solution.*

**Poor practice:** *Problems and shortcomings in scrutiny's impact are either ignored or seen as evidence of scrutiny's ineffectiveness. Blame is a common feature. Problems are seen as an opportunity for political posturing, rather than as an issue requiring collective resolution. The need for executive-side commitment to making things work is poorly understood. Scrutiny is a "process" to be "managed".*

## Looking out

Scrutiny has to be relevant. It must do work which has an impact on local people. It has to engage with decision-makers' priorities and the priorities of other partners – the NHS, the combined authority (if there is one), and so on.

Here are some of the key "external" issues which are likely to impact on how scrutiny is carried out, and how governance is likely to need to change in the area. Part of the evaluation process is about considering these changes, and reflecting on what they mean for the future of scrutiny.

- Financial challenges for local government. The nature of funding for local authorities will change significantly between now and 2020. The amount of money available for the transaction of core business will continue to dwindle;
- Demographic changes will result in pressure and demand in some areas – for example, adult social care;
- Both of the above are likely to result in a pressure for local authorities to "transform", as we set out in our 2015 publication "The change game". Transformation might see the creation of some, or all of the following – which raises questions for scrutiny and local accountability:
  - Strategic commissioning arrangements, with councils moving away from traditional contracting-out;
  - The establishment of novel structures for service delivery, like open-book partnerships and Teckal companies;
  - Confederations and council "clustering", which is an ancillary element of some devolution deals;

- Major transformation programmes being carried out by other public agencies – for example, the agreement and implementation of Sustainability and Transformation Plans/Partnerships (STPs) in the NHS – are likely to have a big impact;
- Devolution deals, and the establishment of combined authorities, raise substantial questions about democracy and local scrutiny;
- The potential for local government reorganisation or reviews by the Boundary Commission;
- The development of digital technology means that the public expect a different relationship with elected representatives and those making decisions on their behalf.

## What is scrutiny's response to these challenges?

Is scrutiny in a position to make such a response and how does it need to change in order to do so? This should be a difficult question to answer. Tackling it will involve an acceptance from those involved in the scrutiny process and the way they work may need to change, and change significantly, in order for scrutiny to remain relevant. If you sail through this part of the exercise quickly and easily, it may be that those involved have not fully engaged in this challenge, and its implications.

**CHECKPOINT: Share products of the “taking stock” exercise with wider membership. Invite members to reflect on its conclusions and decide whether they agree. Have initial discussions between members and officers about scrutiny's role – see below.**

## Step 2: identifying what scrutiny's role is

At this point you will have the following evidence:

- A sense of scrutiny's current areas of strength and weakness (identified through the “looking in” exercise);
- A sense of where opportunities exist to make improvements, in the context of what's going on in the wider area (identified through the “looking out” exercise);
- A sense of the principles that you will use to underpin those improvements (in the form of your design principles).

This will help you to look at the accountability and governance roles carried out by others in the local area, and decide what scrutiny's own role should be in that context.

### Step 2.1 Understand the roles of others

See Practice Guides 9, 11 and 13 - <http://www.cfps.org.uk/?s=practice+guide>

Accountability works! (2010) - <http://www.cfps.org.uk/accountability-works/>

Scrutiny does not happen in a vacuum. Within the local area, there will be individuals, groups, agencies and other organisations who will have some role in holding to account and/or overseeing the kinds of important local issues in which the scrutiny function has a stake.

You need to understand who these people are. You also need to understand what their roles are. The better you understand those roles the better the chance that scrutiny's function can be clearly demarcated, with members and others having the confidence that scrutiny is doing something unique and valuable.

One of the most valuable roles that scrutiny can perform is to look at the internal systems and processes that comprise much council governance (some of the kinds of things that we introduce below) and open them out to public input, insight and scrutiny. The public are likely to have a profoundly different perspective on local services to those held by the council. Scrutiny should consider that perspective when looking at the role of these other organisations.

This exercise will make it easier to identify where the local “gaps” in good governance are. This will then help to define how scrutiny might design its role to fit into that gap.

Some of the people involved are – and their roles in governance – include:

Person	Role
In-house council managers	Holding to account their own staff for the delivery of council services, and other business. This will usually be carried out through usual line management methods, through performance management and budget and risk control.
Executive councillors	Executive councillors / cabinet members holding senior managers to account for their delivery of the council’s political priorities, using similar techniques to those described above.
Clientside council managers	Council officers who manage contracts, or handle the commissioning of services from other organisations, use management information to hold the delivery of those services to account. This is usually done by reference to a contract, and robust systems will usually be in place to assure value for money. Particular areas of concern will be “escalated” to senior managers and elected members.
Partner organisations	<p>While the council holds its partners to account, its partners also hold it to account. For example, the integration of health and social care require that councils work together closely with NHS bodies. Those NHS bodies will have expectations of the contribution that the council will make to such arrangements.</p> <p>Partners may also be commissioned providers, or new bodies (such as Teckal companies) in which the council has a stake, which are responsible for the planning and delivery of local services along with other agencies. The accountability relationships between these bodies are important to understand.</p>
Regulators	In England, Ofsted and the Care Quality Commission are the key external regulators, whose work focuses on the care services provided by councils to children and adults.

### The public

The public are the primary source of accountability for elected politicians; they hold politicians, and officers, to account through elections and also through community activism between elections. This activism can take many forms. Sometimes it will be traditional, and manifested through mechanisms such as formally-constituted residents' associations and community groups. On other occasions, it can be more disruptive.

### Others involved in local scrutiny and accountability

Organisations such as Local Healthwatch have an important scrutiny role, alongside the Police and Crime Panel, the local fire authority and other bodies.

The scrutiny functions of neighbouring authorities will also need to develop close working relationships.

Increasingly, the creation and development of combined authorities will make those bodies' own overview and scrutiny committees important partners.

## Step 2.2 Sketch out a role and focus areas

See The Change Game (2015) - <http://www.cfps.org.uk/the-change-game/>

Cards on the table (2016) - <http://www.cfps.org.uk/cards-on-the-table-devolution/>

Tipping the scales (2012) - <http://www.cfps.org.uk/tipping-the-scales/>

Increasingly, it's becoming clear that traditional, broad-brush scrutiny work – the kind that takes a general view of a topic in the round – is an imperfect way to conduct scrutiny. There are two ways to design work differently:

- Focusing in on a narrow area of policy – for example, a review into social housing could focus on the time taken to carry out regular maintenance and repairs or council communication on the “right to buy” post the passage of the Housing and Planning Act;
- Use a “focus” through which to look at a topic. So, again in relation to social housing, you could look at corporate risks associated with social housing (capacity and demand, for example) or at tenants' expectations about the way that the council should communicate with them.

In “The change game” we introduced this idea of focus as a way of channelling scrutiny's input into large and complex issues. There are a number of possible areas of focus that we mentioned:

- Focus on value. CfPS's publications on social return on investment will help to understand this role more effectively;
- Focus on risk. CfPS has recently published a paper on risk and resilience, which explains how risk can be used by scrutineers to weigh up complex policy options;
- Focus on residents' experiences. CfPS's paper “Hiding in plain sight” emphasises the importance of engaging with the concerns of local people – focusing on this as the driver of scrutiny work is a powerful way to bring a different perspective to bear on local policymaking;

- Focus on the system, and on organisational development. Councils are going through substantial transformations which will require big cultural changes – scrutiny can lead on understanding these changes, making sure they are informed by wider community need, and championing these moves within the organisation;
- Focus on performance and quality. Adopting a “by exception” report to performance monitoring, with scrutiny playing a defined and well-understood role in intervening when service quality falls and other improvement mechanisms fail.

The selection of a clear and unambiguous focus for scrutiny is a critical part of improving its impact. The resource, and organisational commitment, simply no longer exist for us to talk about scrutiny as a function which “holds the executive to account” in the broadest sense of the term, without a sense of a need to prioritise its work. Discussion and agreement on scrutiny’s role will be difficult, and will cause contention.

**CHECKPOINT: Share with members and officers in the council – and with other stakeholders – first thoughts about scrutiny’s future role, and how it differs from what is in place now. Take the opportunity to reflect on how that new role might significantly change expectations about scrutiny in the future, and how scrutiny needs to be supported and resourced. Use this opportunity to further discuss, and subsequently agree, what scrutiny’s overall role will be.**

### Step 3: ways of working and accessing information

Now comes the time to agree how scrutiny will work – how it will use its agreed role to embed the design principles we mentioned above.

There are a number of different methods for conducting scrutiny work. Below, we set out some of them, explain what they are, and suggest the kinds of issues you might address.

It’s important to remember that you need to review and evaluate these ways of working against the role you have agreed, and against the work you did at the start, when you reviewed the context in which you are working. The lessons you learned from those exercises will help you to understand which of these methods will work best.

These ways of working will need to be informed by the more general approach you take to the way that scrutiny carries out its work, such as:

- Work programming. How will this process work? Who will be involved in it?
- Practically, how will scrutiny seek to engage with the executive, with the council’s partners and with the public?
- Overall, how will scrutiny seek to evaluate and improve its performance on an ongoing basis?

The answers to these questions will relate closely to scrutiny’s agreed role. Once discussed and agreed, it will be easier to think about scrutiny’s practical ways of working inside and outside meetings.

Critically, all activities must be designed in such a way that they maximise the positive outcome from scrutiny’s work. Activity must, in this way, be relentlessly and continually tied to a sense of scrutiny’s value – what it brings to the council and to the wider community.

### Possible ways of working

See Practice Guides 1, 2, 3, 4, 7, 8, 12 - <http://www.cfps.org.uk/?s=practice+guide>

## Activity

In committee

## Description

Limiting the number of substantive items on each agenda to one or two.

Thinking about “themed agendas” where a few connected subjects are discussed.

Briefing officers on scrutiny’s objectives in looking at particular items to ensure that their reports are targeted and focused, rather than generic.

Requiring as a matter of course that cabinet members attend to answer questions on key items, rather than chief officers alone.

Not always permitting officers or cabinet councillors to make presentations before questioning begins, relying on scrutiny members reading their papers and requiring that relevant information be shared in paper form rather than making the assumption that oral presentations will always be necessary.

Planning meetings/evidence-gathering in such a way that the chair is empowered to make substantive recommendations on an item then and there.

In a task and finish group meeting

Recognising where task and finish working is really necessary, and where it is just an extension of committee work by another means.

Ensuring that the scope of reviews translates into each meeting having a clear and defined objective, with meetings taking a project-focused approach.

Thinking about which background papers, and from whom, are prepared and circulated in advance (something on which we expand in the section below on information).

Thinking about the interplay between witnesses, and how witnesses will be managed before, during and after the meeting.

In a meeting designed for public input

Thinking about the circumstances in which such public meetings might be appropriate.

Thinking about how such meetings might be planned, designed and communicated – who is involved and when, and how are the public involved in that process? For example, it might make sense to talk to the council's communications team about the basic principles that underpin public scrutiny meetings and how they can be planned and organised to integrate with the council's wider approach to engagement.

Ensuring that opportunities for public input are significant are meaningful – in the way that the meeting is planned and organised.

Ensuring that the role of councillors in such meetings is clear.

Putting in place measures to keep those who attend (and those who don't, in the wider community) informed about the meeting and its outcomes.

In the community

Planning ways to ensure that information from councillors' ward work is fed into the scrutiny process.

Thinking of innovative and interesting ways that scrutiny can take its work out in the community.

Informally with officers

Regular information sharing meetings between chairs, councillors and senior officers.

Regular informal briefing sessions for larger groups of councillors, replacing "for information" items at committee meetings and organised by the department involved.

## Less productive ways of working

There are ways of working, common in scrutiny, which are broadly unproductive. This process provides a useful opportunity to review those approaches and to consider how they might be improved.

Activity	Why it tends not to be productive, and what can be done about it
Meetings with multiple (more than two) substantive items on the agenda	<p>Does not allow enough opportunity for members to dig into and reflect on an issue. Encourages “glossing” of information and an overreliance on officer reports.</p> <hr/> <p>Work programmes can be made sharper. Members can challenge themselves, and each other, to justify the placing of certain items on the committee agenda. The use of selection criteria for agenda items or similar systems to prioritise work.</p>
Items submitted to committee “to note” or to provide an update	<p>Uses up time at committee meetings without a clear sense of an outcome, or scrutiny adding any value.</p> <hr/> <p>Work, whether at committee or in a different forum, should be carried out with a defined outcome in mind – usually, the making of recommendations. Papers circulated to members for information should be provided to them in their postbag, online and/or by means of member briefings organised by service departments.</p>
Provision, at committee, of full scorecards / full technical reports as a separate substantive item	<p>Members can often get bogged down in the minutiae of technical data. This can lead to ineffective scrutiny. Such data will often be out of date by the time members come to see it, and won’t be presented in a way that enables members to add much value to the way it is used and analysed.</p> <hr/> <p>Such data should be used as part of the research base for an approach which sees particular performance issues brought to committee by exception. This would allow specific performance challenges to be highlighted, reflected upon and actioned by members.</p>

Establishment of open-ended “standing panels” or other working groups which do not have the status of formal committees

It is common for scrutiny activity to be delegated to “standing panels” with open terms of reference. This raises resource challenges, and means that such scrutiny work risks not being especially task-oriented.

---

Better prioritisation of work to ensure that there is always a defined scope with an end point / outcome.

Work that adopts a council-focused perspective of the local community

For example a “review of the council’s youth service” is different from, and inferior to, a “review of the needs of local young people”. Framing issues in a different way will make it easier to break out of council silos and address things from the point of view of local people. This links to the points made above about scrutiny’s overall focus.

## Accessing information

See “Your right to know” (2012) - <http://www.cfps.org.uk/your-right-to-know-the-future-for-transparency-in-england/>

“Pulling it together, 3rd edition” (2017) - forthcoming

Once different ways of working have been explored and agreed, members will need to consider the range of information they will require to work properly.

In brief, there are a number of steps through which councillors need to go in order to assure themselves that they are accessing the right information in the right way at the right time, and using it to maximise the effect of their scrutiny work.

- Learning the basics of how to find and use information. This will involve talking to officers about scrutiny’s role, their expectations and what information might be required;
- Understanding how to analyse and reflect on research evidence. Members will need to discuss how much they need to develop these skills themselves, and the extent to which they will need officer assistance;
- Developing scrutiny’s approach to gathering and using evidence so that findings and recommendations are clearly evidence-informed, and that the evidence used tracks back to scrutiny’s overall role.

It is worth remembering that councillors sitting on scrutiny committees have enhanced information access rights under legislation. It is also important to remember that this does not mean that councillors should be looking at everything available, all the time. Part of the benefit of taking a more forensic and targeted approach to evidence is about understanding where to stop. Members need to decide themselves how information will be presented to them and how much they need.

One way that some councils have sought to manage the weight of information that members could look at is to divide the task up. Individual councillors on a committee could be given the responsibility to lead on oversight of a particular element of that committee’s terms of reference. This is particularly useful for councils with only one, or two committees, and where councillors might be worried that they cannot otherwise keep track of a wide range of strategic issues.

**CHECKPOINT: This checkpoint involves members agreeing to sign off what has been discussed and agreed – this is the most important part of the work so far.**

Some useful principles to bear in mind are:

- These new ways of working should be presented as being temporary in nature, pending final evaluation (see step 5). Making wholesale changes to ways of working – and particularly to structures – can seem risky, particularly when those changes are seen as permanent. By providing a year for new arrangements to “bed in”, space is provided to evaluate the new approach with a view either to changing it, reverting back to previous arrangements or keeping with what you have;
- These ways of working will involve cultural change – changes to the mindset, attitudes and values of both members and officers. Structural change does not need to be discussed at this stage, and is indeed likely to distract from the need to sign off what has been agreed so far;
- As well as member agreement, a wider range of stakeholders also need to be consulted and informed about scrutiny’s new direction, role, focus and ways of working. This checkpoint will therefore require that members think about how this will be communicated to a wider audience.

#### **Step 4: agreeing a new structural model**

The final stage in the process is the agreement of a new structural model for the scrutiny function. Essentially, this is the number of committees you will have, what their terms of reference will be, who will sit on them and who will chair.

It is important not to skip ahead to this stage, or to focus too much time and energy on structures. The way that scrutiny is structurally carried out will closely derive from its role. If its role is not clear, not widely understood and not agreed, the greater the chance that disagreements will occur. It is a waste of time and energy to spend meetings arguing about whether there should be three committees, or four, or five, based purely on a sense of a need to “fit” existing work, or more work, into a new structure.

#### **The number of committees and their size**

See Practice Guide 6 - <http://www.cfps.org.uk/?s=practice+guide>

There is no optimum number of scrutiny committees. CfPS research shows no real connection between the size and number of scrutiny committees and their effectiveness, although some research we have carried out suggests a loose correlation between more effective scrutiny and fewer committees. On balance, for logistical reasons, we would suggest that a good size for a committee lies somewhere between 7 and 10.

But every council is different, and each scrutiny function is different, with a different role. Little is therefore likely to be learned by looking at the committee structure of neighbouring, or similar, authorities as part of an evaluation of scrutiny.

The most common committee structures are set out below.

- Single committee – a single committee that undertakes all work (without any task and finish groups);
- Single committee with task and finish – a single committee which commissions further work from task and finish groups;

- Two committees –
  - “Internal” and “external” – some councils set up one committee to look at matters for which the council is responsible, and one looking at issues which are the responsibility of partners. This is, in our view, not an effective way to divide up work, because it is increasingly difficult to identify obvious divisions between these different strands of work;
  - “People” and “places”, or similar – dividing issues into those which involve services being delivered directly to individuals (such as social care) and those provided to communities more generally (parks, libraries);
  - “Overview” and “scrutiny” – dividing policy development from performance management and call-in.
  
- Three or more committees – where terms of reference may be divided in a variety of ways, reflecting the nature of the council. Setting terms of reference to reflect the council’s corporate priorities is a popular approach, but this assumes that the council’s corporate priorities are sufficiently robust.

### **The terms of reference**

Concern is often expressed by members or officers at the prospect of committee terms of reference being too broad. This is often seen as a justification for expanding the number of committees.

This links back to the issue we raised earlier about prioritisation. Effective prioritisation makes it possible to have effective scrutiny with fewer meetings and fewer committees. Ineffective scrutiny can flourish where plenty of time and space is available for more activity to be carried out. The fear may exist that resource-stretched scrutiny will suffer as things will “fall between the cracks”. This risk is most likely to be realised when councillors expect to receive frequent updates on a very wide range of issues, and drown under the weight of paper. Prioritisation – which will derive directly from scrutiny’s agreed role – is the only way to prevent this risk from being a significant one.

### **The chairing arrangements**

See Practice Guide 6 - <http://www.cfps.org.uk/?s=practice+guide>

Skills Briefing 2 - <http://www.cfps.org.uk/?s=skills+briefing>

Full Council will usually vote on the chairship of overview and scrutiny committees. The committee will then formally elect a chair at the beginning of meetings. Usually this means that chairs will be of the same political party as the executive.

Although there is no conclusive evidence to demonstrate that scrutiny is more effective when chaired by members of the opposition, in our view to do so makes it easier for scrutiny to demonstrate its independence from the leadership. It also brings a wider range of differing perspectives to bear on the scrutiny process.

## **Step 5: ongoing review and evaluation**

An important part of evaluating scrutiny is the need to keep that evaluation going. It should be a continuous process – not necessarily in a formal sense, but in the sense of how you think about work as you are doing it.

This toolkit is something which can be returned to, and used to formulate quicker and more targeted evaluation processes. Future evaluations, for example, may involve only step 1 – “taking stock” – with subsequent steps being undertaken only where it is felt that there is a clear business need to do so.

### **More information**

A range of resources exists on the CfPS website which will help practitioners to understand and improve their scrutiny function.

CfPS also provides a helpdesk function to local authorities, funded by the LGA, to assist on matters relating to scrutiny, as well as corporate governance more generally. To access this support please call 020 3866 5100.

CfPS is the leading provider of training and consultancy to local government overview and scrutiny. If you think you need help to review the effectiveness of your scrutiny and governance arrangements or additional training for members or officers please get in touch to discuss further.





**Contact:**

Ed Hammond  
020 3866 5109  
ed.hammond@cfps.org.uk

77 Mansell Street London E1 8AN  
telephone **020 3866 5100** email **info@cfps.org.uk** twitter **@cfpscrutiny**

**[www.cfps.org.uk](http://www.cfps.org.uk)**

Centre for Public Scrutiny Limited is a registered charity: 1136243 and a Limited Company registered in England and Wales: 5133443