

Select committee inquiry on overview and scrutiny – the Government’s response

Posted on March 14, 2018 by Ed Hammond.

Last week, the Government produced its response to the Communities and Local Government Select Committee’s inquiry on overview and scrutiny in local government. The full response can be found here – <https://www.gov.uk/government/publications/local-authority-overview-and-scrutiny-government-response-to-select-committee-report>

This blog post focuses on those areas where Government has responded – the report itself covers some other issues, which we will be looking at and taking forwards separately.

Some of the main themes coming out of it are:

- Government plans to issue new guidance on scrutiny (the last guidance of any kind having been issued in 2006);
- Government is open to further discussion on the election of scrutiny chairs by other councillors (rather than their appointment), although it doesn’t support formally piloting those arrangements;
- Government is acting on concerns about governance in relation to LEPs, and combined authorities – highlighting that CAs should give thought to using part of the £12 million “capacity building” funding made available for CAs across England in last year’s Budget to support scrutiny;
- Government does not accept recommendations that the national support provided by scrutiny by the LGA, and us, should be subject to increased oversight;
- Government does not accept recommendations calling for additional resources for the scrutiny function, or an enhanced role for the “statutory scrutiny officer”.

Overall, the response is refreshing, because Government is frank and candid in engaging with the inquiry’s arguments and recommendations and explaining why it does (and in some cases does not) accept its recommendations in turn. Scrutiny practitioners will be used to dealing with official responses to recommendations from decision-makers which are vague and noncommittal; this is an example of a response which at least opens up the opportunity for further discussion and debate. At least now we know where we stand.

Some may be disappointed with the Government's refusal to act on the resources point. We explicitly stated in our written evidence to the Committee that resources decisions have to be made at local level. It is in councils – person to person – that the case for supporting scrutiny has to be made. Government edict will not get us there (believe me, for many years we tried to make that case before realising that we were on the wrong track). If local government is to mean anything it means that we have to front up and make the arguments about local governance and accountability at local level – and that includes arguments about resourcing, where they need to be made.

It is also something of a missed opportunity not to bolster the role of the “statutory scrutiny officer”. With no real powers or responsibilities, the role has become a bit pointless. Recast to reflect the need for sign-up to scrutiny at the top table – and the need for scrutiny to have a champion amongst councils' corporate leadership teams – the role of the statutory officer could have become more vital.

On the guidance point, this could be taken positively or negatively. We know that for some the prospect of guidance setting out scrutiny's role, purpose, core powers and so on, will be very useful – it will help to provoke senior officers and Cabinet members to do more to support the function. For others, there is the risk that guidance will be counterproductive – especially if it focuses on highlighting “best practice” which may not work everywhere, or where poorly-conceived national ideas of what success in scrutiny look like may work against locally-agreed arrangements.

We therefore welcome the prospect of guidance cautiously – if managed well. We will be speaking to MHCLG as soon as possible to get a sense of the scope and scale of the work – and how civil servants envisage current practitioners feeding into the content.

We are a bit disappointed that Government has not chosen to take forward pilots for elected scrutiny chairs. Election (along with some other associated measures) made a transformative difference to Parliamentary select committees' profile and effectiveness. Government has, however, said that they want to continue to discuss the idea – we look forward to doing that with them.

We are also disappointed that Government has not taken advantage of the chance to commit to enhancing scrutiny's powers to look at a wider range of issues, and service providers, in the local area. There is some hope here that the further conversations that Government has committed to have with the sector will yield further action.

We do think that the increasingly fragmented nature of service delivery at local level demands either concerted local action to draw together partners locally to agree on the nature of the scrutiny to which they are subject or, in the absence of those agreements, Government action to make those powers available.

Finally, the Committee made a recommendation on increasing the value for money of the investment that the Government makes in the LGA to support scrutiny at local level. Government rejected this recommendation. The Committee were concerned that the quality of some of the training and development provided by the LGA (and others, including ourselves) did not pass muster. We would disagree with this assessment; we don't think that the evidence the Committee brought forward to support this conclusion was especially persuasive. We would say that, of course, and although Government has rejected additional oversight of our and the LGA's work (oversight which we think is proportionate, as it stands) we can't be complacent. Evaluation feedback for those who attend our events is consistently excellent, but we want to understand the needs of those who don't attend our events, or engage in the wider support that we offer. We're going to start working on this shortly. We're also going to review and reinvigorate the core support we provide to overview and scrutiny practitioners – particularly around good practice.

We're not a representative body – so of course we can't comment on behalf of "scrutiny practitioners" at large. Because of this, we would be very keen to hear the views of councillors and officers about the inquiry report, the Government's response, and what happens next. You can contact us via info@cfps.org.uk .

We will be having conversations with MHCLG, the LGA and others about what the next year might hold; we are in fact just now developing our work programme for the new municipal year. It's important that this work programme is focused on the right things – and that it embeds the conclusions and recommendations of the Committee's inquiry, where those recommendations are being taken forward.