

Review of Overview and Scrutiny and Update on new Government Guidance

Committee: Overview and Performance Scrutiny Forum

Date: 15 January, 2019

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For publication

1.0 Update on new guidance on overview and scrutiny

- 1.1. The findings from the Select Committee enquiry proposed a series of revisions to the Government guidance on scrutiny committees. As part of the Government's response, they agreed to publish a revised guidance by the end of 2018 however this guidance has not been released yet. Ed Hammond from the Centre for Public Scrutiny (CfPS) attended the East Midlands Scrutiny Network meeting in September 2018 to gain feedback on specific areas and advised that the CfPS were working with the government on the guidance; as a result he was able to provide some information on its aims.
- 1.2. The guidance would set out an enabling framework for local authorities' overview and scrutiny functions which would include different options and ways of working; decisions on how scrutiny operates would remain at local level. The guidance would be statutory and authorities would need to have a legal regard for it; if local authorities deviate they need to be clear why they are deviating.

2.0 Potential impacts and questionnaire results

2.1. The Select Committees' proposals for revisions to the guidance are provided below along with details of how this could affect our overview and scrutiny function along with responses from the questionnaire:

Select Committee Proposal	Current Local Approach
That overview and scrutiny committees should report to an authority's Full Council meeting rather than to the executive, mirroring the relationship between Select Committees and Parliament.	<p>The Overview and Scrutiny committees submit an Annual Report to Council summarising their work over the previous year. In addition, all scrutiny minutes are presented to Council for formal approval and adoption.</p> <p>Currently, scrutiny project group recommendations are reported to Cabinet for approval however any recommendations that are outside the current Budget and Policy Framework would need to go to Full Council.</p> <p>The questionnaire results largely agreed that these methods of reporting were effective.</p> <p>Members could choose to extend this to all reports/recommendations and the Government may include this as a requirement in the new guidance.</p>
That scrutiny committees and the executive must be distinct and that executive councillors should not participate in scrutiny other than as witnesses, even if external partners are being scrutinised.	<p>This is part of our current approach however executive councillors can take part in scrutiny project groups but this is subject to approval by the Scrutiny Chairs taking into consideration the nature of the project group.</p> <p>If the new guidance includes this as a requirement, we will need to reconsider the value and appropriateness of opening scrutiny project groups to executive councillors.</p>
That councillors working on scrutiny committees should have access to financial and performance data held by an authority, and that this access should not be restricted for reasons of commercial sensitivity.	<p>This is part of our current approach and Members can request to access information through the access to information rules in Part 4 of the Constitution.</p>

<p>That scrutiny committees should be supported by officers that are able to operate with independence and offer impartial advice to committees. There should be a greater parity of esteem between scrutiny and the executive, and committees should have the same access to the expertise and time of senior officers and the chief executive as their cabinet counterparts.</p>	<p>From the results of the survey, scrutiny is well attended by officers and most councillors agreed that officers understood and valued the role and work of scrutiny.</p> <p>Members should consider if they are satisfied that they have the same access to the expertise and time of senior officers as their Cabinet counterparts.</p>
<p>That members of the public and service users have a fundamental role in the scrutiny process and that their participation should be encouraged and facilitated by councils.</p>	<p>Members of the public have been involved in scrutiny work from time-to-time over the past few years, mostly by providing evidence and opinions to inform scrutiny project work. Members are also encouraged to bring local issues forward to scrutiny for consideration as part of the work programming.</p> <p>The survey highlighted that members of the public don't have a good understanding of the role and work of scrutiny, and the overview and scrutiny function hadn't been wholly effective in enabling greater community involvement.</p> <p>The new guidance may include requirements to ensure there is a greater involvement of the public in scrutiny work. Members should consider if they are satisfied with the current arrangements and if new ways to engage with the public could be introduced such as meetings in the community or social media activity.</p>

2.2. Though the questionnaire returned mostly positive outcomes, the following results require consideration to understand if actions are needed to improve the overall effectiveness of the scrutiny function, the full results from the survey can be found at Appendix A:

- only half of the responses agreed that sensitive political issues were dealt with effectively;
- most responses neither agreed or disagreed that scrutiny members had been involved in influencing major decisions;

- only half of the responses agreed that scrutiny had a tangible impact on improving council service performance;
- most responses neither agreed or disagreed that backbench/non-scrutiny councillors and members of the public understood and valued scrutiny;
- most responses felt that annual refresher training on effective scrutiny questioning would benefit scrutiny councillors.

3.0 Options

- 3.1. Some of these issues, such as dealing with sensitive political issues and effective scrutiny questioning, can be resolved through the introduction of a regular training programme. There is a dedicated scrutiny budget which can be used to fund extra training and development for scrutiny members.
- 3.2. Changes to the way we carry out scrutiny work programming could help to engage more members of the public and non-scrutiny councillors, for example by using social media or public meetings to request input into choosing topics or project group work.
- 3.3. In terms of being involved in influencing major decisions, scrutiny continues to review the Forward Plan at each meeting, and the Scrutiny Chairs are informed of any urgent items before they are added to the Forward Plan. Scrutiny can use the Forward Plan to become more proactive in monitoring and requesting information on upcoming decisions; work programmes are currently designed to allow gaps for new items to be added throughout the year.

4.0 Conclusions

- 4.1. That Members note the update and consider actions for improving the Overview and Scrutiny function following the outcomes from the questionnaire.
- 4.2. That the revised guidance be circulated to all Members when released by the Government.

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Appendices	Appendix A – Results of the scrutiny questionnaire
Background documents	
Local authority overview and scrutiny: government response to select committee report: https://www.gov.uk/government/publications/local-authority-overview-and-scrutiny-government-response-to-select-committee-report	