

**ASHFIELD DISTRICT COUNCIL**



Council Offices,  
Urban Road,  
Kirkby in Ashfield  
Nottingham  
NG17 8DA

## **Agenda**

### **Principal Select Committee**

Date: **Thursday, 8th June, 2023**

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Time: **6.30 pm**

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Venue: **Committee Room, Council Offices, Urban Road, Kirkby-in-Ashfield**

For any further information please contact:

**Lynn Cain**

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01623 457317

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# Principal Select Committee

## Membership

**Chairman:** Councillor Kier Barsby  
**Vice-Chairman:** Councillor Julie Gregory

**Councillors:**  
Jodine Cronshaw  
Warren Nuttall  
John Smallridge  
Trevor Locke  
Phil Rostance

## FILMING/AUDIO RECORDING NOTICE

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## SUMMONS

You are hereby requested to attend a meeting of the Principal Select Committee to be held at the time/place and on the date mentioned above for the purpose of transacting the business set out below.



**Theresa Hodgkinson**  
**Chief Executive**

## **AGENDA**

**Page**

1. To receive apologies for absence, if any.
2. **Declarations of Disclosable Pecuniary or Personal Interests and/or Non-Registrable Interests.**
3. To receive and approve as a correct record the minutes of the meeting of the Committee held on 16 February 2023. 5 - 10
4. **Scrutiny Function and Work Programming.** 11 - 54

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## OVERVIEW AND SCRUTINY COMMITTEE

Meeting held in the Committee Room, Council Offices, Urban Road, Kirkby-in-Ashfield,  
on Thursday, 16th February, 2023 at 7.00 pm

**Present:** Councillor Andrew Harding in the Chair;  
Councillors Will Bostock, Trevor Locke and  
Lee Waters.

**Apology for Absence:** Councillor Kier Barsby.

**Officers Present:** Lynn Cain, Mike Joy and Shane Wright.

### **OS.11 Declarations of Disclosable Pecuniary or Personal Interests and/or Non-Registrable Interests**

No declarations of interest were made.

### **OS.12 Minutes**

RESOLVED

that the minutes of the meeting of the Committee held on 15 December 2022,  
be received and approved as a correct record.

### **OS.13 Annual Budget Update 2023**

The Corporate Finance Manager (and Section 151 Officer) attended the meeting to provide a presentation on the 2023/24 Annual Budget and an update on the Medium Term Financial Strategy (MTFS).

Members were advised that the 2023/24 Annual Budget would be fully considered by Cabinet at its meeting on 21 February 2023 in readiness for its final approval at the Extraordinary Council (Tax Setting) meeting on 2 March 2023.

#### General Fund Budget

Members were advised that the budget, as presented, had assumed a 2.94% increase to Council Tax (an additional income of £198K for the Council) with the use of £386k from General Reserves.

In relation to the General Fund, £2115k of savings/efficiencies had been identified from the following areas:

- Planning Fee Income
- Customer Services Review during 2022/23
- Additional income from Photovoltaic Panels on Leisure Centres.

The following investments were to be made during 2023/24 thus producing a net saving of £29k:

- Community Safety Public Spaces Protection Order
- Re-procurement of the Procurement Service
- Loss of income from Land Charges as service transfers to Land Registry in April 2023
- Asset Management Energy Plan
- Speedy Delivery of Digital Transformation
- Renewed HR/Payroll Shared Service with Mansfield District Council
- Implementation of a new Finance System.

Members were advised of the Council's borrowing compared to other Nottinghamshire authorities and income/costs associated with the Council's investment property portfolio. A new 'liability benchmark' analysis was now required to be completed and published by local authorities each year as part of the Treasury Management Strategy and the graph and visually illustrated data entries, as presented, were explained to Members.

Estimated Medium Term Financial Strategy Summary - 2023/24 to 2026/27  
Committee were advised as to the estimated expenditure, income, cumulative and annual funding gaps that could evolve from the Council's finances over the next 5 years. The Council needed to prepare for the Local Government Funding Reform which was earmarked to take place during 2025/26. Much of the data within the Strategy had been evaluated based on the following annual assumptions and core funding uncertainties:

#### Annual Assumptions

- Pay inflation (2%) (NB: 5% for 2023/24)
- Contract Inflation (2.4%)
- Utilities Inflation (5%)
- Insurance (2%)
- No allowance for any inflationary increase in District Council Tax increase from 2024/25
- 1% growth in the Council Tax Base (Number of properties).

#### Core Funding Uncertainties

- The last 5 years had been one-year funding settlements – which limited the capability of Councils to effectively financially plan for the medium term
- Local Government Funding Reform would not be implemented until 2025/26 at the earliest (Government – Provisional Settlement)
- Future distribution (or not) of New Homes Bonus – was still to be determined (expected announcement during 2023/24) - £170k received for 2023/24
- Funding Guarantee paid in 2023/24 as a one-off (£466k).

### Housing Revenue Account (HRA)

The January 2023 Cabinet had agreed a 2023/24 rent increase of 7% and investments for 2023/24 included working towards Social Housing White Paper compliance and a one-off resource (due to an inability to recruit over the preceding 12 months) to recruit stock condition surveyors and domestic energy assessors to address service backlogs.

### RESOLVED

that the presentation from the Corporate Finance Manager (and Section 151 Officer) on the 2023/24 Annual Budget and the update on the Medium Term Financial Strategy, be received and duly noted.

## **OS.14 Corporate Plan Progress Update - April to December 2022**

The Assistant Director, Corporate Services and Transformation presented the Corporate Scorecard for April to December 2022 to enable Members to review the levels of performance and delivery achieved against the Corporate Plan priorities.

Members were reminded that the Corporate Plan sat above a wider strategic context which included the Corporate Project Management Framework, the Corporate Performance Framework and a range of strategic documents relating to the organisation and its services.

The Council used many different tools to assess how well they were performing and these included:

- The Corporate Plan
- Performance Scorecards
- Place Survey/Star Survey
- LGA Peer Challenges.

As at the end of December 2022, 67% of Corporate Scorecard measures were achieving or exceeding target or were within 10% variance of their targets. 72% of measures were also indicating an improved position compared to the same period in the previous year or were within 5% of the previous year's performance levels.

### The key highlights regarding improved performance included:

- Customer experience and channel shift with the level of take-up for making payments easily, using digital channels, continuing to increase.
- Improved collection of Non-Domestic Rates.
- Increase in attendances at all the Council's leisure centres (a 33% increase compared to April to December 2021), returning to pre-pandemic levels.
- Substantial increase in number of homeless preventions.
- The Money Advice and Tenancy Sustainment teams securing £84,058 of additional income for tenants.

#### Areas still requiring improvement:

- decreases in E-store online payments
- Rent arrears and Council Tax collection due to challenging climate
- Processing of minor planning applications within eight weeks due to staff vacancies and increased numbers.

Following the update, Members debated progress across all areas and made some suggestions for further consideration. In respect of domestic violence and the impact it continues to have on many of Ashfield's residents, it was agreed that the issue could be submitted as a potential scrutiny review topic for the 2023/24 municipal year.

#### RESOLVED

that the level of performance achieved against the Corporate Scorecard for 2022/22, as presented, be received and noted.

### **OS.15 Scrutiny Review: Cost of Living**

The Scrutiny Research Officer presented the item and advised Members that the report submitted for consideration had been deferred from the previous meeting in December 2022 due to limited attendance and a desire by the Chairman to ensure the topic received a full and frank discussion by the Committee.

Since the December 2022 meeting, the Council had been working hard to support its residents through the current cost of living crisis and at the Council's State of Ashfield Debate held in December 2022, the Leader first announced the Council's Fifteen Step Plan for offering such assistance and support.

#### The Fifteen Step Plan:

1. Utilise leisure centres as community living hubs for residents to access a warm energy room (including use of electricity charging and Wi-Fi for use of mobile phones/laptops). Explore options for leisure centre showers to be used for free by our residents.
2. Explore the use of energy rooms at Council buildings.
3. Promote to residents, local businesses and voluntary and community organisations which offer warm spaces to residents who cannot afford to heat their homes.
4. Maintain a 100% Council Tax Support Scheme for residents to March 2024.



5. Continue to maintain a cost-of-living hub on the Ashfield District Council website which gives useful information to residents, including signposting residents and businesses to benefits, Council Tax and housing support, Council services support, support for businesses, money, bills and debt support, health and wellbeing support and support from other organisations.
6. Promote help with the cost of living to residents who may not be able to access online information. Utilise Ashfield Matters as a tool to provide timely, up to date information on how residents can access support.
7. Explore options to waive charges to rent rooms to any voluntary organisations who provide help to residents through cost-of-living activities.
8. Support the voluntary sector to secure any available funding which may be able to help residents with the cost of living. Continue to lobby for fairer funding from the Government to continue to provide critical services for residents.
9. Continue to provide money management advice offering free financial health checks and work with the NHS to provide advice and help on healthy eating on a budget.
10. Share and promote the food support locations in Ashfield with residents to support them with feeding their families from organisations such as food banks and food share schemes.
11. Our Housing Teams are available to assist tenants with money management advice to help with daily costs and maximise benefits. Our teams can also ensure your insulation in a Council property is at the appropriate level and external drafts dealt with.
12. Continue successful Spring Clean events including giving residents one free bulky waste collection to save on disposal costs.
13. Work with partners such as the DWP on holding Cost of Living Zones to ensure residents can access all the support and benefits to which they are entitled.
14. The Council will continue to provide 2 hours free parking (this financial year) to encourage residents to shop locally and cut their fuel bills.
15. Continue implementing the Council's successful play park strategy offering free state of art play facilities for families across Ashfield.

Having considered the content of the Plan, Members were of the opinion that it would be prudent to receive a progress report regarding implementation of the Fifteen Step Plan at its first meeting following the District Council Elections in May 2023. Any potential recommendations to Cabinet could then be considered to conclude the Cost of Living Crisis review, once progress was known and fully understood.

RESOLVED

that a progress report in respect of implementation of the Council's Fifteen Step Plan for supporting its residents through the current cost of living crisis, be submitted to the first meeting of the Committee in the new 2023/24 municipal year.

The meeting closed at 8.31 pm

Chairman.



<b>Report To:</b>	<b>PRINCIPAL SELECT COMMITTEE</b>
<b>Date:</b>	<b>8 JUNE 2023</b>
<b>Heading:</b>	<b>SCRUTINY FUNCTION AND WORK PROGRAMMING</b>
<b>Executive Lead Member:</b>	<b>NOT APPLICABLE</b>
<b>Ward/s:</b>	<b>ALL</b>
<b>Key Decision:</b>	<b>NO</b>
<b>Subject to Call-In:</b>	<b>NO</b>

### Purpose of Report

The purpose of this report is to present Members of the Principal Select Committee with practical guidance for scrutiny practitioners and an overview of the Council's refreshed scrutiny function following the Annual Council Meeting. Finally, Members are asked to consider and select topics for the 2023/2024 work programme.

### Recommendation(s)

Members of the Principal Select Committee are recommended to:

- a. Note and reflect on the guidance for scrutiny practitioners included within this report and appended as Appendix A (*Scrutiny Practitioners Guide*) and Appendix B (*Scrutiny and Work Programming*).
- b. Note the revised structure for the Council's scrutiny function following the Annual Council Meeting.
- c. Consider and select topics for the 2023/2024 work programme.

### Reasons for Recommendation(s)

It is the responsibility of the Principal Select Committee, as established in Part 4 of the Council's Constitution, to maintain overview and management of the scrutiny work programme. This includes adding new topics for inclusion as necessary.

## **Alternative Options Considered**

No alternative options have been considered. Approving and managing an effective work programme is set out within the Scrutiny Rules of Procedure within Part 4 of the Council's Constitution.

## **Detailed Information**

### **SCRUTINY PRACTITIONERS GUIDE**

The Centre for Governance and Scrutiny (CfGS) is a social purpose consultancy and national centre of expertise. The purpose of the CfGS is to help organisations achieve outcomes through improved governance and scrutiny.

The CfGS promotes better governance and scrutiny, both in policy and practice. Through research and policy development, the CfGS provide a library of free to access guidance and best practice.<sup>1</sup>

*Scrutiny Practitioners Guide* is a research paper published by the CfGS that acts as a comprehensive introductory guide that aims to provide an overview of the main facets of scrutiny, and a summary of some of the key tools and skills needed to improve and enhance scrutiny.<sup>2</sup>

The guide is aimed at anyone working in or with Public Services likely to come into contact with Scrutiny, specifically with a primary audience of:

- Members of scrutiny committees, including Chairs and Vice Chairs
- Scrutiny officers
- Council leaders and other Cabinet members
- Those new to scrutiny, whether officers or members

The guide features three separate sections focusing on Scrutiny Basics, Culture and Behaviours, and Scrutiny Skills, covering a wide range of topics including, but not limited to:

#### **Scrutiny Basics**

- What is scrutiny?
- The principles of good scrutiny
- Why is scrutiny important?
- What does scrutiny do?

#### **Culture and Behaviours**

- Awareness of political dynamics
- Accessing information

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<sup>1</sup> Centre for Governance and Scrutiny, *About the Centre for Governance and Scrutiny*, 2022.

<sup>2</sup> Megan Ingle – Centre for Governance and Scrutiny, *Scrutiny Practitioners Guide*, 2022.

## Scrutiny Skills

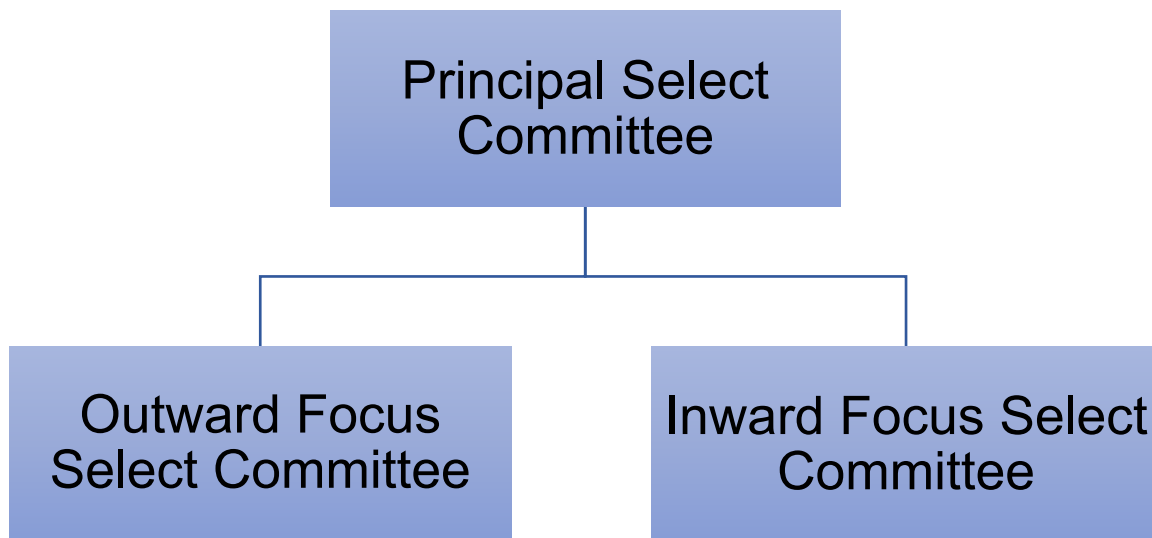
- Work programming
- Chairing skills
- Questioning skills

The *Scrutiny Practitioners Guide* is appended to this report as Appendix A. It has also been circulated to all scrutiny Members through email. Members are asked to read through the guidance and reflect on the content in readiness for discussion at the meeting.

## **ASHFIELD DISTRICT COUNCIL'S SCRUTINY FUNCTION**

Following the Annual Council Meeting on 25 May 2023, numerous changes were approved to the Council's scrutiny function. Primarily, this included the renaming and refocusing of the three scrutiny committees.

The basic structure of the Council's scrutiny function is as follows:



### Principal Select Committee

The Principal Select Committee is appointed by Council to maintain an overview of the work undertaken by the Outward and Inward Focus Select Committees. This incorporates management of the scrutiny work programme, including selecting topics for inclusion on the work programme and delegating topics to each Committee as appropriate.

The Principal Select Committee has an important role in monitoring the Council's performance through regular reports, which can often highlight potential areas for scrutiny involvement across the Council.

The Principal Select Committee also undertakes regular scrutiny of the Council's finances, with particular attention to the annual budget and tax setting process.

## Outward and Inward Focus Select Committees

The Outward and Inward Focus Select Committees are appointed by Council to carry out reviews of topics added to the scrutiny work programme by the Principal Select Committee. On rarer occasions, the Committees also undertake work as requested by Council or the Executive.

### **WORK PROGRAMME 2023/2024**

As explained by the Local Government Association in *A Councillor's Workbook on Scrutiny*, work programming is the process for determining which topics scrutiny will look at over the coming year, either at committee or through task and finish groups. This involves evaluating a number of factors to decide which topics are to be investigated and when. The process typically involves long-listing and then short-listing topics before making a final decision.<sup>3</sup>

*Scrutiny and Work Programming* is a further guidance document made available by the CfGS with a specific focus on work programming.<sup>4</sup> The guidance includes sections explaining:

- The principles of scrutiny
- Planning scrutiny work
- Methods for carrying out work
- Impact of scrutiny work
- Reviewing and evaluating

Scrutiny is a member led function, driven by Member commitment to improve services and the lives of residents. Committee Members are asked to consider the following potential sources (among others) of suitable work programme topics:

- Issues of community concern
- Service delivery concerns
- Council outcomes, objectives, and priorities
- Partnership objectives
- The Forward Plan
- Peer challenge outcomes
- Performance
- Emerging policy and legislation

When approving work programme topics, Members are asked to use effective processes to select topics that will contribute towards the best and most effective programme. This means having clear terms of reference in mind and considering many different sources of information to help inform topic selection.

This involves approving items to the work programme:

- Of community concern
- With defined objectives and clear outcomes
- That add value to the Council's performance and/or service delivery
- That contribute to the Council's Corporate Priorities

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<sup>3</sup> Local Government Association, *A Councillor's Workbook on Scrutiny*, 2017.

<sup>4</sup> Natalie Rotherham – Centre for Governance and Scrutiny, *Scrutiny and Work Programming*, 2022.

Members should also avoid including items on the work programme that are unsuitable for review for different factors that could include topics that are:

- Unmanageable
- Purely for informational purposes
- Have limited anticipated outcomes
- Fail to add value to service delivery
- Fail to improve community wellbeing and quality of life.

Finally, the Council’s scrutiny function has limited time and resources, meaning the work programme must be manageable. It is not possible to include every topic suggested through work programme consultation. Effective long-listing and short-listing of topics is critical to the success of the function.

**The *Scrutiny and Work Programming* guidance document is appended to this report as Appendix B. It has also been circulated to all scrutiny Members through email. Members are asked to read through and utilise the guidance, alongside the guidance included within this report, while selecting items for the 2023/2024 scrutiny work programme.**

## Implications

### **Corporate Plan:**

Members will be mindful of the Council’s Corporate Plan and the priority objectives set out within when reviewing and selecting topics for the work programme.

### **Legal:**

There are no direct legal implications resulting from the recommendations within this report.

Any legal implications identified relating to items added to the 2023/2024 work programme will be considered appropriately as part of the established review process, in line with best practice and guidance.

### **Finance:**

There are no direct financial implications resulting from the recommendations within this report.

Any financial implications identified relating to items added to the 2023/2024 work programme will be considered appropriately as part of the established review process, in line with best practice and guidance.

<b>Budget Area</b>	<b>Implication</b>
General Fund – Revenue Budget	N/A
General Fund – Capital Programme	
Housing Revenue Account – Revenue Budget	

**Risk:**

There are no risks resulting from the recommendations within this report.

Any risks identified relating to items added to the 2023/2024 work programme will be considered appropriately as part of the established review process, in line with best practice and guidance.

**Human Resources:**

There are no HR implications resulting from the recommendations within this report.

Any HR implications identified relating to items added to the 2023/2024 work programme will be considered appropriately as part of the established review process, in line with best practice and guidance.

**Environmental/Sustainability:**

There are no environmental/sustainability implications resulting from the recommendations within this report.

Any environmental/sustainability implications identified relating to items added to the 2023/2024 work programme will be considered appropriately as part of the established review process, in line with best practice and guidance.

**Equalities:**

There are no equalities implications resulting from the recommendations within this report.

Any equalities implications identified relating to items added to the 2023/2024 work programme will be considered appropriately as part of the established review process, in line with best practice and guidance.

**Other Implications:**

There are no other implications resulting from the recommendations within this report.

Any other implications identified relating to items added to the 2023/2024 work programme will be considered appropriately as part of the established review process, in line with best practice and guidance.

**Reason(s) for Urgency**

None.

**Reason(s) for Exemption**

None.



## **Background Papers**

None.

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# Scrutiny Practitioners Guide

**Written by Megan Ingle, Research and Project Officer, CfGS**

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## What is this guide about?

This is a comprehensive introductory guide that aims to provide an overview of the main facets of scrutiny and a summary of some of the key tools and skills needed to improve and enhance scrutiny in your authority.

## Who is it for?

Anyone working in or with Public Services is likely to come into contact with Scrutiny, but specifically the primary audience for this document is:

- Members of scrutiny committees, including Chairs and Vice-Chairs.
- Scrutiny officers.
- Council leaders and other Cabinet members. This is because political leadership is crucial to effective scrutiny. Commitments to supporting the scrutiny function and recognizing the political dynamic within which it operates must come from the top.
- Those new to scrutiny, whether this is officers or members.

## Background-

At CfGS we have nearly twenty years of experience and are the leading experts in providing support and advice to local authorities on scrutiny and governance.

CfGS has been committed to developing and promoting leading policy and practice in governance and scrutiny, and this guide seeks to bring together a number of our publications, on the matter of scrutiny, from over the years, and repackage these into one concise guide for scrutineer practitioners. These publications include:

- [The scrutiny evaluation framework](#) (2017)
- [Scrutiny in Mayoral combined authorities: a little over six months on \(2018\)](#)
- [The governance risk and resilience framework: the seven characteristics](#) (2021)
- Appreciative Scrutiny. A guide to using Appreciative Inquiry to add value to overview and scrutiny (2012, no longer available)
- [Taking scrutiny seriously- Parity of esteem between scrutiny and the executive: a short guide for local government Cabinet members and senior officers](#) (2020)
- Charing and Leadership in Scrutiny (2012, no longer available)

- [Commercialisation and scrutiny: a practical guide for councillors](#) (2020)
- Putting financial and performance management information to good use (2012, no longer available)
- Tipping the scales (2012, no longer available)
- Raising the stakes (2014, no longer available)
- Using evidence in scrutiny (2017, no longer available)
- [Guide to support combined authority governance of post-pandemic policymaking](#) (2021)

This guide also makes use of ‘The Good Scrutiny Guide’ (2019) However this publication aims to provide a brief overview of matters pertaining to scrutiny practice, whereas the Good Scrutiny Guide provides a much more comprehensive ‘deep-dive’ into best practice and scrutiny. The Good Scrutiny Guide provides an invaluable source of knowledge for both officers and members, you can read this here: [The Good Scrutiny guide](#). The Good Scrutiny guide is written to complement the Government’s statutory scrutiny guidance for councils and combined authorities: <https://www.gov.uk/government/publications/overview-and-scrutiny-statutory-guidance-for-councils-and-combined-authorities> (published May 2019).

## Introduction

### What is scrutiny?

To begin, we will provide a definition of scrutiny, taken from the Ministerial foreword of ‘Overview and scrutiny: statutory guidance for councils and combined authorities’ by the Department of Levelling Up, Housing and Communities (DLUHC) published in 2019, they defined scrutiny as follows:

*“The role that overview and scrutiny can play in holding an authority’s decision-makers to account makes it fundamentally important to the successful functioning of local democracy.*

*Effective scrutiny helps secure the efficient delivery of public services and drives improvements within the authority itself. Conversely, poor scrutiny can be indicative of wider governance, leadership, and service failure.”*

The overview and scrutiny function were introduced in 2000 as part of new ‘executive arrangements’ in local government within England and Wales.

The purpose of introducing overview and scrutiny in local authorities, was so it would act as a form of ‘checks and balance system’ to new decision-making council cabinets, and it was modelled on the Select Committee system in Parliament.

All councils operating executive arrangements must have at least one overview and scrutiny committee, which holds powers to obtain information, require attendance from council officers and members, and to make recommendations. Over the years, the scrutiny function has acquired new powers – for example, scrutiny of NHS services, reviewing the work of the community safety partnership (CSP), and the expectation of reviews on community leadership.

### The principles of good scrutiny

One of the first things that CfGS did when it was established, was to try to articulate some fundamental principles of good scrutiny.

We established four principles that we considered were essential to make scrutiny effective and these have continued to be critically important.

These are that scrutiny:

- provides critical friend challenge to policymakers and decision makers.
- enables the voice and concerns of the public.

- is carried out by independent-minded people who lead and own the scrutiny role.
- drives improvement in public services;

Below is an infographic designed by one of our Senior Governance Consultants, Camilla de Bernhardt Lane on the Statutory Scrutiny Guidance:

## Statutory Scrutiny Guidance



Whilst this guide does not aim to provide an exhaustive tick list of what authorities should and should not be doing when undertaking scrutiny, it does aim to provide a basis of some of the key skills and concepts that are integral to scrutiny, bringing together themes and concepts from our previous publications from throughout the years.

### Why is scrutiny important?

Overview and scrutiny should be – and is, in many places – a strategic function of the authority. It should be central to the organisation's corporate governance, a crucial cog in the decision-making machine. Most importantly, it should provide councillors that are not in decision-making roles, with the opportunity to publicly hold to Cabinet to account.

Beyond this scrutiny should be seeking to investigate and inquire into issues of interest and relevance to local people.

Scrutiny's importance is often somewhat disregarded, but it is essential in providing a 'counterweight to the executive and in adding insight that may otherwise be overlooked.

### What does scrutiny do?



Now we have established the background of how scrutiny came about, the principles of good scrutiny and why it is important- we will now look at how scrutiny is operationalised and what its primary functions are.

Below we have briefly summarised scrutiny's role:

- It provides a space to bring critical friend challenge and support to decision-making in the authority.  
It provides a way of challenging and supporting local partner organisations.
- It offers the opportunity to bring issues that matter to local people and the local community into decision making.
- Scrutiny can also surface issues that the Council should be engaging with but are not currently part of formal decision making.

There are different ways of enacting scrutiny, which should all work together to complement one another, though these may differ in form, from authority to authority. We have provided examples of the ways scrutiny works and why these are important.

- **Reviewing Management Information:**

- *Performance information* is the information that councils use to understand how services are being delivered, targets are therein set, and delivery is monitored. Data is brought to councillors and officers for review and to improve (if necessary)
- *Finance information* relates to the council's agreed budget, again this needs to be monitored and reviewed to track in-year spending.
- *Risk information* pertains to the council's understanding of the pressures and constraints it faces now, and in the future.
- *Complaints information*, those issues that residents are making formal complaints about, particularly those that are escalated to the Ombudsman.
- Why is this important? Monitoring and managing information relating to performance, finance, risk, and complaints requires something be done with that information so that improvement can be planned and delivered. This is because it can involve raising uncomfortable truths and uncover challenging weaknesses. It is as much an issue about culture as about systems and processes. This makes it an ideal driver for scrutiny's work which will be driven by the need to hold the council to account.

- **Investigating cross-cutting issues**

- Why is this important? Matters including, but not limited to, health, children’s services, and adult services will intersect so it is often necessary for the scrutiny function to view these as part of larger overarching pieces of work, working alongside other committees, whilst ensuring there is not duplication.
- **Reviewing what partners are doing**
  - Why is this important? Some authorities may have shared service arrangements; therefore, it is important to work together as equals, developing a common framework of priorities which everyone works to meet. Communication should be treated as a strategic function of the authority. The council ought to be “thinking out loud,” bringing local people and partners into conversations about the future of the area, and participating in conversations held by others in the places those conversations are happening.
- **Pre-decision scrutiny-** this is where an authority’s overview and scrutiny function consider a planned decision before it is made by the executive.
  - Why is this important? Looking at decisions before they are made is essential, as you as scrutineers can both influence and improve those decisions. It provides an opportunity to challenge pre-conceived notions and ideas that may have been made as the decision was developed. Pre-decision scrutiny allows for the consideration of how decision-makers have looked at the risks that might arise from the implementation of the decision, and how those risks might be mitigated.

Pre-decision scrutiny can happen in two ways: firstly, it can be undertaken before a decision is made by the executive- this may be around two to three weeks before. Secondly, it can be looking at a planned decision many months before it goes to the executive. The most important factor, whatever the timing, is to ensure that scrutiny can truly influence a decision and not just act as a rubber stamp.
- **Horizon scanning-** this is where the scrutiny function ought to be looking for and researching signals of change in the present and their potential future impacts.
  - Why is this important? Horizon scanning issues are part of scrutiny’s ability to be proactive in how it works. Being proactive in performing scrutiny is the ability to recognise and

act on emerging issues and trends, this is important in terms of work-planning (which we will cover later) Horizon scanning also involves being reactive, though it is likely that the right balance between being proactive and reactive will be different for every area.

### Thinking about scrutiny as a key strategic function of the council

Councils have a number of strategic functions which usually sit at the corporate centre of the institution. The size of this “corporate core” has, in many cases, reduced significantly in the past decade. It may include functions like audit, corporate policy, corporate performance, communications, and legal services.

Scrutiny can and should form part of this corporate core. Scrutiny can bring additional capacity to help councils to understand and address complex problems. It can also provide assurance to a council’s leadership. Members’ unique perspectives and insights can help to bring constructive challenges, especially on contentious issues.

But scrutiny cannot carry out this role effectively unless: the support is there (from the corporate core and cabinet/executive), there is agreement and a common understanding between scrutiny and the executive about what that work will look like in practice and what scrutiny’s practical role is. The next section expands on this critical point.

## Part 2: Culture and Behaviours

This section will look at behaviours and cultures in relation to scrutiny.

Here we will explore:

- the idea of parity of esteem and how, if performed, this will contribute to positive culture.
- how to reflect on the way in which scrutiny is conducted in your council and what this entails, including: listening to scrutineers views, reflecting on how scrutiny is spoken about in your authority, the issue with merely managing scrutiny and how that fosters disengagement and how scrutiny should be thought of as a strategic function of the council.
- Further to the above, we will include our recommendations for taking action on how to improve scrutiny, which include: setting out a role for scrutiny and encouraging scrutiny to be more visible.
- Then we will discuss the access to information for scrutineers.

### Setting out a role for scrutiny

Having a positive vision of what scrutiny might achieve might help to understand how scrutiny could work differently. We think that the executive and scrutiny working together could be productive, this is in terms of articulating a role for scrutiny that goes beyond saying that scrutiny is here to “hold the executive to account.”

For these purposes scrutiny’s role could be:

- To assist the council to understand and act on the big strategic risks it faces
- To assist the council in better understanding the views and concerns of local people
- To support the proportionate and productive review of performance and finance information
- To assist in the development of major, strategic policies

Agreeing a clear role for scrutiny is about focusing and directing limited resources to maximise scrutiny’s effectiveness. We recognise the tension here between this and ensuring that scrutiny retains an overarching role in looking at all matters which affect “the area and the area’s inhabitants,” as set out in legislation.

It would not be appropriate to constrain scrutiny – but the focus is about maintaining a watching brief over services and then, where a matter arises that might be particularly relevant to scrutiny’s role, it can be escalated.

## **Parity of esteem**

Though scrutiny has been a feature of local government for over twenty years, there are still critics that comment on its value and effectiveness. In some authorities, it can be said that scrutiny does always not live up to its ambition. However, it is too easy to place the burden for tackling this challenge on scrutiny members and officers. Success in scrutiny should hinge on the commitment of those in leadership positions. It is about the mindset, attitudes, and values of those in decision-making positions, as well as the authority’s political and organisational culture.

There can often be a power imbalance when it comes to overview and scrutiny, it may be that it is overlooked, not taken seriously, or under-resourced comparatively with other areas. This will of course impact scrutiny’s effectiveness. Without an open, transparent, and accountable culture within a council, scrutiny will struggle.

“Parity of esteem” means that the scrutiny function of a council deserves the same respect and has the same importance in the governance system as executive decision-making activities.

Requests from scrutiny and attempts by scrutiny to engage with, and recommend changes to, policies, plans and activities should be treated with the same respect and consideration as if they came from a Cabinet member.

The idea of parity of esteem is what underpins a positive culture of scrutiny in a local authority.

We have made some recommendations below for ways that you and your authority can think about and act upon.

## **Reflection**

### Listening to scrutineers’ views

In many councils, scrutiny’s relationship with the executive feels transactional. It can seem to centre around requesting reports and information and securing responses to recommendations.

If scrutiny and the executive do not take the time periodically to step back and think about the overall purpose of scrutiny, small misunderstandings and instances of friction can build up into something more.

Actively listening to scrutiny councillors (and to the officers who support them) has to be an important part of this.

### Reflecting on how you talk about scrutiny in your authority

Many leaders and other senior decision-makers can be said to “talk the talk” on scrutiny. It is easy to talk in the abstract about scrutiny and wanting to make it work – but it is more difficult to take concerted, meaningful action. Both words and actions from leaders have a significant effect on how those elsewhere in the organisation engage with scrutiny.

Scrutiny can involve a culture clash. What is meant by this, is that there can sometimes be poorly directed attempts to oversee or challenge executive activity, which can come up against a corporate sense of singular direction and purpose. Under these circumstances, it is easy to reach a culturally driven conclusion that the problem lies with scrutiny. But an overly executive-minded council may also need to challenge its prevailing culture.

### Bringing down the barriers

Something to be avoided is merely ‘managing’ scrutiny, for example, looking at scrutiny through a lens of it being a ‘risk factor’ when it comes to council decision-making and governance, and then working accordingly. This approach, for example, can involve preparing reports and engagement that anticipates, and seeks to mitigate, problems further down the line.

Sometimes scrutiny can be ineffective because relationships have broken down. From the perspective of senior officers and members, scrutiny under these conditions may feel that it is tinkering at the edges. This may happen due to disengagement from councillors, which itself could derive from: dissatisfaction with scrutiny’s recommendations, that it may be tricky to obtain information from the council and others (though this will likely be due to lack of resources), and performance problems.

The responsibility for addressing these matters rests on the executive just as much as on scrutiny councillors. A good start to the process here would be having a conversation about the fundamental purpose of scrutiny.

## **Taking action**

Improving scrutiny need not be difficult or complex. It is generally a matter of dialogue and conversation. There are a few things which we think can make a difference, and which require executive-side leadership to have an effect.

- Setting out a clear role for scrutiny – a positive vision of what scrutiny is here to do, which might be used to focus its role.
- Developing an executive-scrutiny protocol – which can help to anchor the relationship on a common set of expectations.

- Put together a regular information digest for scrutiny – developed to align with scrutiny’s role and used to bring focus and direction to the work programme by giving members an accurate and holistic sense of how local people experience services.
- Think about the visibility of scrutiny to the wider authority.
- Put in place (proportionate, and sustainable) resources to support scrutiny on an ongoing basis.

### More visibility for scrutiny and the work of members generally?

More visibility for members generally, and for scrutiny members in particular, could provide a better way. This might include measures such as:

- More regular member briefings on matters of local interest and priority, away from formal committees (used in concert with information digests).
- The assignment of individual scrutiny councillors as “rapporteurs” to follow the work of individual council departments; councils might wish to revive the once-common practice of having departmental link officers to develop and maintain a more productive working relationship with these councillors.
- Organisational development to take account of the need to explain the work and role of scrutiny to the rest of the council – and to partners. Tensions and difficulties, and misunderstandings, will often rest of a lack of knowledge – and the more that scrutiny, as a function, is visible (and is seen to be both visible and valued) the more effective it is likely to be.

## **Awareness of political dynamics**

In terms of the political culture in relation to the scrutiny function, this can be tricky to navigate considering the political dynamics of many authorities, as often the executive and scrutiny committee(s) will be comprised of differing political affiliations. Even if this is not the case, politics may hinder effective scrutiny to take place. On the other hand, it can also add immense value and allow for effective cross-party working. Below we have outlined what we consider to be some positive and negative behaviours when collaboratively undertaking scrutiny.

### **Positive behaviours**

### **Negative behaviours**

Members:

- The role and presence of politics are understood and accepted. It is recognised that councillors are politicians and that their political skills bring unique credibility, legitimacy, and perspective to decision-making.
- Officers, while apolitical are aware of political dynamics and manage them sensitively, operating confidently in the political space.
- Utilising the LGA Member Code of Conduct to explore and understand how political dynamics impact councillor activities, with the Code used as a springboard for discussion.

Officers:

- Officers act as objectively as possible, being diligent in drawing together a full spectrum of evidence on which councillors can make informed decisions.
- Officers understood how their own subjectivity and biases influence their work; councillors understand how their beliefs and ideologies influence their own perceptions.

Members:

- Whilst the role and presence of politics should be understood and accepted, members can still engage in healthy, collegiate political debate. With that said, the focus should be on issues and the council as a whole, as opposed to 'politicking' and point-scoring.
- Ethical principles are minimised or ignored.

Members

- Debate is discouraged, particularly within the leading political group – there is seen as a single political approach to which all need to be signed up.
- Officers are treated with suspicion – for example by opposition parties who see them as having been “captured” by the executive.

## Resourcing scrutiny?

We at CfGS continue to argue that a dedicated officer resource is critical for successful scrutiny, rather than other models of support.

We have found in our support for scrutiny and governance across councils in England and Wales, which reducing resources for scrutiny increases the resource burden on the wider council.

This is because members' policy queries tend to then go direct to senior officers who have to then expend time and effort in dealing with them. Requests for reports and information are increased and with less reference to matters which might add value. This will further limit scrutiny's impact while increasing workload for officers in service departments. The result is usually more invisible resource expended upon scrutiny with fewer tangible outcomes.

## Accessing information

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 ([https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/800048/Statutory\\_Guidance\\_on\\_Overview\\_and\\_Scrutiny\\_in\\_Local\\_and\\_Combined\\_Authorities.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/800048/Statutory_Guidance_on_Overview_and_Scrutiny_in_Local_and_Combined_Authorities.pdf)).

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.

## **Taking stock**

It is important for the scrutiny function to be introspective and to 'take stock,' this involves looking at current processes and systems. It is equally important for scrutiny to concurrently 'look outward,' ensuring that you are engaging with partners, looking at scrutiny in the wider context of the council and undertaking meaningful work on behalf of the constituents you represent.

## **Looking in**

Here we will focus on the key characteristics of effective scrutiny and provide some recommendations in order to help you reflect on your current ways of working.

This will help you to build up an accurate picture of how your scrutiny function currently works and secondly it ensures that you have a collective understanding of those characteristics, and why they are important.

- 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 have not).

## Future challenges

When conducting scrutiny, it has to be relevant, and it must do work which has an impact on local people. It must 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 has changed significantly over time. The amount of money available for the transaction of core business will likely 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.” 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.
- 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, Integrated Care Systems which have now been formalised as legal entities through the Health and Care Act, and the Levelling Up Bill.
- Devolution deals, and the establishment of combined authorities, as well as the proposed County Combined Authorities in the Levelling Up Bill, raises substantial questions about democracy and local scrutiny.
- The potential for local government reorganisation or reviews by the Boundary Commission.

- The continuing development of digital technology means that the public expects a different relationship with elected representatives and those making decisions on their behalf.

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

It needs to be first established whether scrutiny is in a position to make such a response and how does it need to change to do so? This should be a tricky 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, 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.

## Part 3: Scrutiny Skills

Above we have explored some key themes and issues affecting scrutiny. In this section, we seek to provide some guidance on skills that can be used in the scrutiny environment.

These will include:

- Work programming
- Chairing
- Leadership
- Questioning skills

### Work programming

One of the most important activities for those involved in scrutiny is designing a work programme.

A good work programme ensures that scrutiny is focused on subject areas and issues that matter the most and it makes the best use of scarce time and resources. When it is done right, the process of designing a work programme can promote transparency, and public participation as well as being a positive demonstration of good governance. Generally, good practice for a work programme follows the 'less is more' rule, it is more beneficial to have a narrow, yet deep work programme as opposed to one that is broad and shallow.

While every process will be different – and quite rightly so, because every organisation is different – there are some fundamentals that underpin every good process.

We have recently published an updated, comprehensive guide on work programming which you can find [here](#).

### Chairing skills

Here, we will be exploring the role of the Chair leading the discussions and deliberations within the scrutiny process.

The chair of a scrutiny committee should seek to provide, through strong leadership:

- a good environment for the constructive challenge of decision-makers.

- constructive discussion and encourage all concerned stakeholders to be involved in the process, whilst ensuring that all opinions are expressed in a constructive manner that contributes to the intended outcomes of the process.
- that the scrutiny process – within and outside the context of formal committee meetings - is managed in a way that creates a fair and balanced environment, keeping the scrutiny process free from political point scoring and allowing for the effective scrutiny of all evidence that is produced.

### Using the forward plan

Most councils publish a forward plan indicating which “key decisions” are going to be made by Cabinet, or Cabinet Members, in the next three months. A key decision is defined differently in different authorities – for example, it could be that a key decision has to affect three or more wards and involve expenditure above £100,000.

Councils usually also produce annual business plans and improvement plans, along with other programme management documents which can help you to get an idea of which key decisions are going to be made in the near future.

A chair of scrutiny might wish to consider which papers could benefit from pre-decision scrutiny. This will involve reaching a balance between long term planning in the annual work programme, and in-year issues arising from the forward plan, business plan and improvement plans.

The chair should also be considering upcoming decisions, which might be made in six months or nine months’ time that might benefit from scrutiny’s involvement at a very early stage. Building a constructive relationship with senior officers and the executive can help scrutiny get early warning of future issues of interest

### Call-in

There is also a process for a scrutiny committee to examine Cabinet decisions before they are implemented. A process of “call in” allows a scrutiny panel to question or challenge a Cabinet decision.

While the power to generate a “call in” is generally devolved down to individual councillors rather than being within the chair’s remit, a chair might wish to consider if this procedure is being used

proportionately, particularly if the committee is considering call-ins on a frequent basis.

Call-in is a useful tool, but can be a blunt one, which often succeeds in delaying a decision without changing it. The chair might try and consider encouraging more constructive pro-active forms of scrutiny or working with the executive to develop more effective means of pre-decision scrutiny that minimise the potential for call-ins to be brought.

We will be publishing a comprehensive guide on call-in in the coming weeks which will be updated here when it is available.

### Party politics

We have already touched upon political dynamics, but in the context of chairing we will delve a little bit further into this.

Debates that happen during the scrutiny process may have political elements and the role of 'politics' should be accepted and acknowledged, however, if scrutiny is to be at its most effective, becoming a 'critical friend' of the Cabinet, it is important that scrutiny stays separate from party politics. Scrutiny is, and always should, be regarded as a party politically impartial forum.

This is not to say that scrutiny members should be encouraged to think and act apolitically. Councillors are elected as politicians, and it would be unreasonable to expect them to leave their points of view, values, and beliefs at the committee room door. Issues being discussed by scrutiny will be inherently political.

The chair must develop, and utilise, careful judgment in directing how political debates happen, particularly in preparation for meetings. Before the meeting starts, it might be helpful for the chair to have informal discussions with members of the committee to see what they expect to get out of the meeting. A pre-meeting might also be used to collectively agree a line of questioning and develop a joint cross-party approach. The chair should look to actively encourage greater input from any members who have previously contributed little: to aid with this it may be helpful for the chair to remind members that they are not expected to be experts in the field.

### During and at the end of the meeting

Timing:

- the chair is responsible for leading the committee through the agenda, keeping a strong focus on the objective of each item and on these timing constraints. A chair also needs to be aware that short, sharp discussion of key issues will often work better than long, protracted ones.

#### Formality:

- The chair will be aware that scrutiny meetings are relatively formal, with rules of procedure laid down in advance. As a public meeting, operating within a council structure, it could not be anything else, but this does not mean that discussions need to be stilted or buried in legalese, which makes it difficult for the lay observer to understand what is going on. At meetings with notable attendance from members of the general public who are often unfamiliar with the rules, it will be helpful to give some brief explanation of how the rules impact on debate, and to be aware of the public's expectations of the meeting as it progresses.

#### Contribution:

- For the chair to get the best out of their team, it follows that everybody on the committee should be aware that they have a part to play. As chair you should seek ways of encouraging everybody on the committee to contribute. In terms of group coherence, as chair, the way to get the best out of each of the members of the committee is to regard everybody as a combined team – the chair should be alive to the possibility of one viewpoint or person “dominating” discussion. A more collegiate approach, bringing in other members to tease out alternative opinions, will be useful. Planning lines of question and sharing these out in advance can help with this.

#### Agenda items:

- At the end of an agenda item's discussions, the chair should ensure that the discussion is summarised fairly. The chair should ensure that any recommendations or conclusions reached by the committee are clearly defined, understood by all committee members, and communicated well. It might be that the recommendations are not agreed by all, that issues were not resolved, and that future progress can only be determined by a formal vote. The chair should work to ensure that the business of the committee, when considering an item, leads towards a natural and substantive conclusion, rather than petering out or remaining without agreement.

#### Closing the meeting:

- The end of the meeting should not mean the end of meaningful discussions. Each of the agenda items should have been brought to a

conclusion. What happens next will depend on the nature of the agenda item. A good rule of thumb to take is that in no instance will it be appropriate that a report is merely “noted” without further action being taken. If an agenda item was part of process of an investigation or review by the scrutiny committee or was one of a number of task and finish meetings, then the chair should be aware of what has been achieved so far and what the next steps will be. What will the next meeting discuss? How can evidence gathered at

## Questioning skills

In this part we will focus on questioning skills and how you can enhance these in the context of scrutiny.

Questioning is a crucial component of the “critical friend” challenge, an important principle of good public scrutiny. It is vitally important that whilst maintaining a thorough and purposeful challenge to executive policymakers and decision makers that questioning of those under scrutiny remains constructive.

The key to successful questioning is balancing the need to get answers with the need to build strong relationships. This can be achieved best by a combination of good preparation, knowing what questions to ask and when to ask them, and understanding which style is appropriate in every situation.

### Preparation

#### Pre-meetings

Pre-meetings can be a useful preparation tool. It enables members to agree (or at least to discuss) some lines of questioning that are to put to a witness or group of witnesses. It can allow for members to agree who on the panel or committee will be asking the questions and the extent that supplementary questions will be put.

It is important to identify what kind of questions and questioning you will be asking; we explore this here:

- Will questioning be organised by theme, with all councillors being allowed to come in where appropriate, and with the use of supplementary questions being quite tightly defined?
- Alternatively, will the questioning be in a fairly free flowing format with the chair calling people to raise questions when they indicate they wish to do so? If this approach is adopted, it is still important that questions reflect certain key lines of questioning, to prevent the session becoming a series of unconnected and possibly irrelevant questions.



- Should questions be open and exploratory, or more closed? This will depend on who the witness is – you may get more out of an external expert by asking open questions, for example.

### How to approach questioning successfully

#### Open mind of those asking questions

The fact that many members of scrutiny committees will often not be established experts in the field being discussed should be seen as a key strength of the committee rather than a weakness. This position should not dissuade members from asking questions. Members should highlight to the witness the benefits, in terms of a different perspective, which they are able to bring to the scrutiny process.

#### Questioning techniques

There is no one ‘right way’ to go about questioning: a mixed approach should be adopted incorporating a variety of questioning techniques. How witnesses are approached will depend on the nature of the enquiry and the kind of witness.

Council officers, whose job descriptions include broad responsibility for the area being examined, will be familiar not just with the topic, but also with the style and nature of the scrutiny process. They would be more comfortable with direct questions than other techniques.

Organisations that partner with the council, e.g., police, health etc., are likely to be in fairly constant communication with the local authority. Being asked to provide evidence for a scrutiny investigation will be seen, for the most part, to be part of this partnership role.

Officers from these organisations would expect councillors not necessarily to be very knowledgeable about the details of their role. They are likely to start answers with scene setting, talking around the issue. The skill of the scrutineer will be to avoid these witnesses getting into too much detail, which goes beyond the scope of the study, and instead getting the witness to focus on points that help the particular enquiry.

Members of community or pressure groups are likely to have very detailed knowledge in the subject area where they operate. Some of these members will be very polished, having presented in the public arena many times beforehand. Others will have less experience and will need to be handled very gently to ensure that their knowledge and understanding comes out fully.

When talking to individuals/constituents with lived experiences, councils must provide a ‘safe space’ to do so, as some may be vulnerable. This needs to be a place of psychological safety and comfort for individuals

involved. It is important that the space is accessible and meets the needs of the individual. Outreach also needs to be done to also include hard to reach people, for example those that do not have access to internet/telephone and consideration to language barriers.

### Questioning styles

It goes without saying that questioning should be courteous and non-threatening. Crucially, this does not mean that the scrutineer should steer away from asking uncomfortable or challenging questions of the individual

The section below offers some tips on the different styles that can be applied to questioning, and suggest when they should be used<sup>1</sup>

Open questions – Open questions allow the witness open up and to share all the information they have. Encouraging the witness to elaborate early on will allow them to speak and will calm their nerves. This will help them to relax and can be helpful in ensuring the witness will answer further questions in a more helpful manner.

Closed questions – Where a simple yes or no answer will suffice it is advisable to stick to closed questions (such as when checking a fact). Closed questions are harder to avoid and easier to challenge. *Useful phrases: Did you ...? Have you told.....? ‘What I think I’m hearing is... is that right?’*

Reflecting Questions – These are used to clarify something which has been said, and/or to get the respondent to speak about a subject in more depth. *Useful phrases: ‘You said that...’ ‘You sound as if ...’ I get the feeling that ...*

Extending Questions – Extending questions invite the respondent to offer more information, and to elaborate on what they have already said. *Useful phrases ‘How else could...?’ ‘Could you tell me more about...?’*

Comparative Questions – These can be used when the scrutineer wants to compare situations (for example on a before and after basis) *Useful phrases: ‘What has it been like since...?’ ‘What difference has ...?’*

Hypothetical Questions – The use of hypothetical frameworks allows the witness to answer a question from a safer theoretical position and may encourage them to explore issues more in-depth.

Rephrasing or paraphrasing – Another technique that can be used to clarify something that has been said by the witness, it may also encourage the witness to elaborate on their previous answer and provide more detail. *Useful phrases: Are you saying that...?’ ‘Let me see if I understand the problem completely...’*

Questioning skills is a vast topic that requires perhaps more nuance than this short guide can offer, in light of this, CfGS will be publishing a more in-depth guide on this matter in the coming months.

## Listening skills

Listening skills are an important part of the scrutineer's role and are closely linked with questioning. Active listening will ensure that the witness feels that his or her position is being properly heard and understood. This can help to facilitate further questioning. Listening to each interaction is an important skill. To members of the overview and scrutiny committee each exchange gives the chance to refocus their thoughts. Some of the key considerations include.

- Has the question put been made in a clear unambiguous manner which will help get to the information sought?
- Has the answer offered fully answered the question?
- Has the answer generated any further questions in your mind?
- Do the answers given indicate that the witness' knowledge only extends so far?
- If so, should other witnesses be sought to help get further information for the committee?

## Evaluation of questioning techniques, improving future outcomes

At the end of the formal meeting there is a chance to evaluate the success of that meeting, important things to evaluate include.

- What has the committee learnt?
- What gaps still exist?
- Does the planned next step/next meeting need altering based on what has been learnt/discovered at this particular meeting?
- Have the witnesses that have appeared given the information sought?
- How much of their evidence is based on incontestable fact and how much based on individual judgments?
- How many of their judgments were challengeable?
- How many of their judgments were in fact challenged?

Some of the points asked may not have been answerable on the spot. The witness might have indicated that some research was needed and that a written response will follow.

- Was a firm date given for receipt of that response?
- Does any member of the committee feel additional written information should be sought?

The answers given to the questions asked will help form a body of evidence that the committee will eventually bring together in a final report. As a report will be based on evidence the answers given in a questioning session are helpful sources.

- Has the meeting recorded the source and references of the information given?

- Could more up to date information emerge between the questioning session and the publication date of the committee's report?
- If so, will the scrutiny committee be able to get hold of the additional information and ensure that conclusions are based on all the available data?

Finally, following the completion of a meeting it is important to consider the success of the questioning techniques used. Was there something which was tried that worked particularly well? Or were other techniques less successful? A good evaluation can help to improve the quality of future overview and scrutiny committees and can contribute to future successes

# Scrutiny and work programming

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## About this paper

This paper provides an update, and summary, of material on scrutiny work programming produced by the Centre for Governance & Scrutiny (CfGS) in 2020. While that material sets out some detailed steps for councils to follow in formulating and delivering their work programmes, this document is intended to act as a shorter, accessible introduction to some of the key principles underpinning effective work programming.

## Introduction

A strong and effective work programme underpins the work and approach of Scrutiny. But work to develop and refine the work programme requires support. The input of executive members, senior officers, and external partners will all assist scrutiny Members to effectively fulfil their role as critical friends constructively challenging decision makers.

Thought and time has to be given to developing a work programme that reflects the issues important to the local population but also gives provides times and space for horizon scanning on big, long-term, cross-cutting issues and trends.

Ultimately, this comes down to the need for clarity on scrutiny's role – what scrutiny exists to do at the council. This is a central theme of the Government's statutory guidance on overview and scrutiny.

How the Scrutiny Councillors construct the work programme is a matter for local determination by scrutiny members themselves. What should be consistent is the application of key principles and a focus on outcomes.

Prioritisation of items is needed to ensure that topics of immediate importance are considered, and this may determine the way that the Scrutiny is executed.

Members will need to clarify the anticipated outcomes or purpose of scrutiny work on a given topic. Are Councillors seeking to make recommendations to improve services, endorse a policy or proposed reconfiguration, or to gain a better understanding (oversight) of a topic or an update on issue previously reviewed? For instance, a deep dive task and finish group hearing from a range of witnesses will take longer to set up than requesting a briefing note or adding an item to a committee agenda – but this may be justified if scrutiny is sure that undertaking detailed work will add value.

Discussion of the items to be added to the work programme, the depth required to explore the issue and the timeframe will need to be considered by Scrutiny Members. This may take place as part of an annual programme planning workshop, debate at committee or discussion by the Scrutiny lead Councillors outside the formal process.

## 1. Principles

Scrutiny is a member led and driven function, driven by members' commitment to improve services and thereby people's lives.

Members' unique perspectives, and the wide-ranging powers of scrutiny to look at any issue affecting the area or the area's inhabitants, mean that scrutiny is able to offer insights that other governance functions are not designed to address.

The work programme should be recognisable to the scrutiny Councillors as a document reflecting their priorities and as a statement of intent in representing the concerns of citizens. However the programme is developed Members will play a key role in what is added for scrutiny, how it will be scrutinised (scrutiny activities will be considered later), prioritisation, added value and crucially the impact on services and for residents. On the latter there should be a mechanism for assessing the value a scrutiny investigation has added, along with a robust means of checking that recommendations have not only been implemented but have made a difference for citizens.

When facing the corporate priorities, local concerns, issues on the horizon, along with scrutiny of services delivered locally by other providers such as the NHS and utility companies, the range of possible topics which could be considered is potentially overwhelming. The temptation is to attempt to look at everything, but this suggests a superficial approach which means that scrutiny work, overall, is too shallow and perfunctory to have real impact.

To avoid this Councillors should consider assessing items against a consistent set of questions such as:

- Can Scrutiny add value?
- Does it reflect public interest?
- Is the issue a priority?
- Will it duplicate?
- Can impact be measured?

The use of criteria like these to select items for consideration, either at scrutiny committees or through more detailed "task and finish" groups, are quite common.

Alternatively, the authority may already have a process in place to assess adding issues to the work programme. Whatever measure is used it is important to be consistent as this provides evidence that thought has been given to the topics selected.



## 2. Planning Scrutiny Work

The work programme is owned by the Scrutiny Councillors, therefore deciding whether a topic is an immediate priority or one that can be undertaken later in the cycle is one that should be established by the Members. Ideally, the discussion should be held openly, and a consensus reached on when the issue will be investigated. The Scrutiny leads (chair and vice chair) may have discussed privately in advance of the member debate and taken advice from officers around some of the practicalities. This could include gaining an insight from the service regarding the issue and any actions already underway, timeframe and likely resource implications. A reminder to the Scrutiny leads on the content of future committee agendas and current work programme schedule should be included at the meeting.

When deciding which items to add to the work programme Councillors will need to consider what benefit Scrutiny can bring to investigating a topic. Members will be faced with issues causing concern to their residents; however, they will need to be clear (and able to evidence) that Scrutiny has the means to explore it in sufficient depth, hearing from the relevant witnesses and in a timely manner. There may be occasions when the committee would wish to conduct a Scrutiny, but it does not have the resources or capacity. This can be difficult for Councillors to articulate to their communities, hence the importance that work programme decisions are arrived by consensus debate.

Effective and planned work programming ensures that Scrutiny identifies the most relevant issues for exploration in a considered fashion.

There are a variety of ways to plan the scrutiny's work. Each committee can retain its own programme of work, or there can be a joint work programme, organised collectively.

Separate work programmes allow each committee to exercise its autonomy, but this may miss opportunities to undertake cross cutting scrutiny. It also, arguably, makes the prioritisation of limited resources across the function more difficult to manage.

If a joint work programme exists each committee retains management of its work, but it allows for cross cutting issues to be handled jointly and provide a holistic view of the topic. It can also avoid duplication of activity. But this approach can lead to a sense that individual chairs, and individual committees, do not have power over their own agendas.

Scrutiny Councillors can identify the issues that they wish to consider at the next committee meeting by meeting. In many councils it is common for the work programme to be a standing item on the agenda. This allows for emerging priorities to be added to the programme quickly without the need

to review the work programme. It does however risk that additions are made that do not reflect overall, strategic priorities.

Alternatively, Councillors may prefer to construct the work programme at an annual workshop. There are a variety of approaches that Members can adopt. Some authorities review the previous programme for outstanding issues, others canvas Councillors and officers for topics to be considered.

In some authorities Members invite the executive directors to give a short presentation outlining the challenges, pressures and opportunities facing the directorate. This will often happen at an annual work programming workshop at which members and officers come together to discuss these issues. However issues are gathered a sifting mechanism is needed to create a manageable programme. Work programming is most effective when there are clear criteria for the selection of subjects and agenda items, as discussed in the section above.

To help Members develop a proportionate and effective work programme addressing, a series of questions will help focus the Scrutiny and take into account the resource commitment. Councillors could consider:

- How could we best undertake this Scrutiny? (*This is explored in more detail in the next section*)
- What would be the outcomes?
- Who needs to be involved?

Officers can lead the workshop where Members identify the topics and weight items to be added. This can be via post it notes, discussion or vote. If a council is at the start of the municipal cycle the authority may wish to draw on the expertise of an external consultant to guide Councillors through the process, giving Members confidence in the decisions made.

Often, the most effective approach is one that combines the overall structure provided by annual work programming with some flexibility for topics to be added in-year.

### 3. Methods for carrying out work

When members have decided that they will undertake work on a given topic, that is the time to think about the methods available to scrutinise that issue.

Some topics of interest to members – things that emerge in-year – may only require that further information be shared in order for members’ needs to be satisfied. We have commented in other publications that information should generally be shared, in the form of updates, outside committee. Under certain circumstances a single item on a committee agenda might help to better clarify and understand an issue, and/or to hold decision-makers to account.

Where members have information at their disposal which suggests that substantive work would add value, councillors might plan to consider that item at a single agenda item committee meeting or conducted as a task and finish group, both will take longer to arrange. This is likely to be particularly suitable for more complex topics, especially those involving multiple local partners or stakeholders.

If an issue arises that requires immediate consideration Members will need decide what can be postponed or removed from the current work programme. There will need to be a trade off in terms of rescheduling or deleting existing items to provide capacity and officers need to be honest about the choices available to Councillors.

Based on the Statutory Guidance published in 2019 options that are open to Members are:

- a) A **single item on a committee agenda** – this fits more closely the “overview” aspect of the Scrutiny function and has limited opportunity for effective scrutiny. It is most appropriate for specific issues where the committee wants to maintain a watching brief
- b) A **single item meeting** – either as the committee or a more limited number of Members. It has the capacity to enhance the previous option by taking evidence from a number of witnesses
- c) A **task and finish day** - provided that these are properly focused, they ensure Councillors can swiftly reach conclusions and make recommendations and are effective even for complex topics.
- d) A **task and finish review** – this is an enhancement of the previous option being held over four or six meetings spread over a number of months. This is most appropriate when scrutiny needs to dig into a complex topic in significant detail. However, the outcomes should reflect the resource implications of such work, and its length
- e) Establishing a **‘standing panel’** – this falls between the previous option and setting up a new committee. Members will need to weigh up the importance of the issue against the resource required. It is

likely to be rarely used and as a watching brief over a critical local issue.

## 4. Impact

The impact of scrutiny can be measured through

- **Outputs** –for example the number of children receiving free school meals has increased by X%
- **Outcomes** – this is often qualitative and more difficult to measure. But the experience of service users and their perceptions should inform how services are delivered; for example more women from ethnic minority communities are now attending antenatal appointments.

A clear way of showing Scrutiny’s effectiveness is in the quality of the recommendations and monitoring their impact. Fewer, sharply focused recommendations can achieve greater service improvement than a lengthy list of vague aspirations. It also makes it easier to hold the decision makers and service to account for full implementation of all recommendations. Four to six recommendations that are time limited with a responsible individual are advised.

Monitoring the recommendations can be undertaken by the committee in meetings, but this can eat into committee time. It can also lead to mission creep with the committee unable or unwilling to stop periodically reviewing recommendations’ implementation. An alternative is to create a sub-group of Scrutiny Members to consider each recommendation at an agreed interval following the Scrutiny, supported by a written report on progress. Councillors should expect a report highlighting the actions taken to fulfil the recommendation with clear evidence that the anticipated outcome for service users has been achieved.

It is suggested that the executive member and lead executive-side officer for the Scrutiny engage with this process to provide additional evidence and answer Member questions, in person where necessary. If the scrutiny has been conducted as a task and finish group, the chair should also be invited to any review meeting to enable Members to verify that the *intention* behind the recommendations has been achieved.

The outcomes of the monitoring should appear in the annual report to Council.

## 5. Review and evaluate

To maintain a vibrant and relevant work programme Councillors will need to conduct regular reviews of the programme and outcomes of the topics scrutinised.

Regardless of whether there is annual work programme, or it is set at each committee meeting, what is important is that it is regularly reviewed. This avoids items that are no longer relevant remaining on the list, and it reminds Members of the Scrutiny that they have committed to undertaking.

To build on effective practice on-going feedback should be gathered. This should be seeking information on how well the scrutiny had been scoped, the quality of the briefings provided by officers, how well supported witnesses felt, and crucially the impact of any recommendations. This can be conducted via periodic surveys of Members, officers and witnesses; evaluation following each task and finish group; and dip tests with key Councillors and officers i.e., those that regularly engage with Scrutiny. This process need not be too onerous – regular dialogue and communication with executive-side officers and Cabinet members about ongoing, and completed, work will provide insight about its effectiveness.

The outcomes of the feedback should be included in the annual report submitted to full Council. It highlights the thoroughness with which Members undertake Scrutiny and draws attention to the topics Scrutiny has considered over the last year. It is important that scrutiny is be able to demonstrate that scrutiny work adds value and makes a difference to local people.

### Sources:

- [2020-11-04-wp-designed.pdf \(cfgs.org.uk\)](#) (Planning work, delivering impact)
- [A councillor's workbook on scrutiny \(local.gov.uk\)](#) (LGA)
- [Statutory Guidance on Overview & Scrutiny in Local and Combined Authorities](#)
- [CfGS Good Scrutiny Guide](#)

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