

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](#)