

Scrutiny and COVID-19: Practitioners' voices

June 2020

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Find out more about CfPS's ongoing COVID-19 support offer to councils at <https://www.cfps.org.uk/covid-19-notice/>

This paper aims to address the following questions:

- What is scrutiny doing to assist during the COVID-19 crisis?
- What plans are in place for scrutiny to play a role in debrief/reflection once the immediate operational response to the crisis is being stepped down?
- What challenges are practitioners experiencing as they carry out their work – how are the barriers experienced by members and officers different?
- What examples are there of interesting and notable practice to further illuminate the above issues?

Where we've gathered evidence from

This paper draws on:

- Webinars held by CfPS over the course of April and May 2020;
- Outcomes of [regular Zoom calls for scrutiny practitioners](#) organised by Dr Dave McKenna;
- A workshop for practitioners held on 27 May to discuss matters relating to COVID-19 in more detail;
- The results of a survey of scrutiny practitioners carried out between 28 May 2020 and 15 June 2020. This survey received 75 responses from 64 named councils (some people filled in the survey anonymously). This represents around 20% of councils in England and Wales.

Key findings

- It has taken some time, but scrutiny meetings are now being convened again. Councils have generally either convened their first post-crisis meeting or have active plans to do so in the coming weeks;
- It appears that only in the minority of councils are there no firm plans for this to happen. In those councils, there is an assumption that committee meetings will restart in September;
- It's still too early for concrete examples of notable practice to have emerged. A number of councils have some robust plans but the coming weeks will tell if they are effective;
- There is potentially a degree of tension between the need to focus on oversight of the ongoing operational response, and the need to focus on recovery and learning lessons. Scrutiny has a critical role to play in both areas but capacity constraints may be making this difficult;
- There's a clear sense in many places about the role that scrutiny should be performing and people are pulling together to support these aims – whether these aims will be borne out in practice remains to be seen;
- There is an enthusiasm for scrutiny to carry out a central role in both recovery, and reflection on the crisis. Conversations have not really progressed in councils as to what this will look like in practice. It might feel premature while the crisis continues to unfold, but we think it is important that planning for this activity starts now.

Context

The recognition by local government of the need to take drastic action on COVID-19 developed over the course of early March 2020. Most councils activated their emergency co-ordination systems, using the systems provided for in the Civil Contingencies Act, at around this time.

“Business as usual” for scrutiny and local authority governance continued, by and large, until lockdown measures were formally introduced in mid to late March. For many councils this coincided with what would have been the start of the pre-election period were it not for the postponement of those elections. For others, it coincided with what would have been the final cycle of committee meetings before the end of the municipal year.

There was a hiatus of several weeks during which it was impossible for formal scrutiny meetings to be convened, as Regulations had yet to be drafted and laid to provide for remote meetings. During this period, council decision-making continued through emergency procedures – either using provisions in council constitutions for a council’s Chief Executive or Leader to take decisions quickly, or by using similar provisions in legislation.

During this period, informal member involvement continued. Many councils convened remote member briefings to update on the developing situation – these provided the opportunity to test out videoconferencing.

In some places, short term measures for backbench oversight were introduced. Scrutiny chairs have been briefed on forthcoming decisions; Group Leaders have also been kept abreast of developments. But these were very much stopgap measures, introduced while other mechanisms for oversight were impossible.

Over late March and early April Government developed and then laid Regulations to cover the re-establishment of remote meetings. [The LGA has established an online meetings hub to support councils to restart meetings](#). Authorities’ responses to the introduction of these Regulations varied significantly. Some took immediate steps to reconvene a full suite of member meetings. The most common approach was to act in a way that reflected “business need”. This saw councils establishing decision-making and quasi-judicial structures first – planning, licensing, education appeals, Cabinet – before moving to establish scrutiny arrangements later.

This has seen many councils convening their first scrutiny meetings in June, or planning to in July. In many councils this will not have involved an interruption in the meeting calendar – councils with quarterly scrutiny meetings may have held meetings in early March with the next scheduled one not due until early June anyway.

For some, it has proven more difficult for scrutiny to demonstrate a niche for itself and to undertake effective work. Scrutiny has difficulty because officers are seen to be busy carrying out other work. The executive may meanwhile seek to establish separate informal mechanisms to bypass scrutiny – providing information to a smaller group of councillors in a way that feels safer and more comfortable. In some

of these councils scrutiny has become a clearing-house for information rather than a space for forensic inquiry.

For others scrutiny has become easier, because the crisis has led to a loosening of organisational hierarchies and a sense of everyone in the council “pitching in” and a way to transparently and publicly update on COVID activities. Where scrutiny has managed to demonstrate that it is part of that collective effort, it has found it much easier to engage (but this requires a receptive executive and receptive senior officers, and a rethink in some cases about the language used to describe the work being undertaken).

Scrutiny’s role during the crisis

Structural change

In our snap survey:

- 29% (22 of 75) said that they were adopting a more streamlined approach to scrutiny;
- 8% (6 of 75) said that scrutiny was on indefinite hiatus – a further 18% (14 of 75) said that scrutiny was on hiatus but with plans to reconvene shortly;
- 42% (32 of 75) said that scrutiny was restarting, or continuing, with its full calendar of meetings.

Many councils have made structural changes to scrutiny, which we predicted and recommended [in our guide in early April](#). Some councils have in particular sought to establish a single “Pandemic Scrutiny Committee”, meeting more frequently, with other committees temporarily suspended. There is an expectation within some of these councils that those other committees will return in the autumn.

Newcastle under Lyme held three COVID-related scrutiny committees in the late spring and plan to return to a full calendar in the autumn. **Trafford** has suspended its existing scrutiny committees, convening a single committee to look at pandemic-related matters – **West Sussex, Charnwood** and **Lewisham** are two authorities to have taken a similar approach.

Lancashire plans to re-establish scrutiny committees in June but with a single unified work programme, a departure from previous practice.

Waltham Forest and **Hackney** are two authorities which have continued with their full calendar of meetings – Hackney without a break.

In some places meetings are still being convened but to focus almost exclusively on pre-decision business, reviewing proposed decisions before they come to Cabinet. This is happening in **Hinckley and Bosworth**, amongst other places. We comment more on the focus on pre-decision activities below.

In committee system authorities things are slightly different. Here, service committees have got up and running again for the most part, although sometimes streamlined with a focus on more frequent Policy and Resources meetings. Where committee system authorities have scrutiny committees they tend to focus on

“external” matters like health – experiences are mixed in how these councils are managing to get those arrangements back up and running.

Wider changes

The position with regard to “formal” meetings (and the tendency to become preoccupied with them) has occluded some wider changes in scrutiny. These include:

- Suspending task and finish work and only continuing with formal meetings;
- Effectively suspending the use of call-in (by making most or all executive decisions under urgency arrangements);
- Significant shifts in work programmes, generally to refocus exclusively on the pandemic – often involving rolling oversight of the emergency response.

In some places, councils have thought about making changes to the language around scrutiny – and even the use of the word “scrutiny” itself – to emphasise the fact that scrutiny should be making a positive contribution. Such discussions are at an early stage though.

Some councils, meanwhile, have made none of these changes and have placed scrutiny either on indefinite hiatus, or have committed to resuming meetings only “in the autumn”.

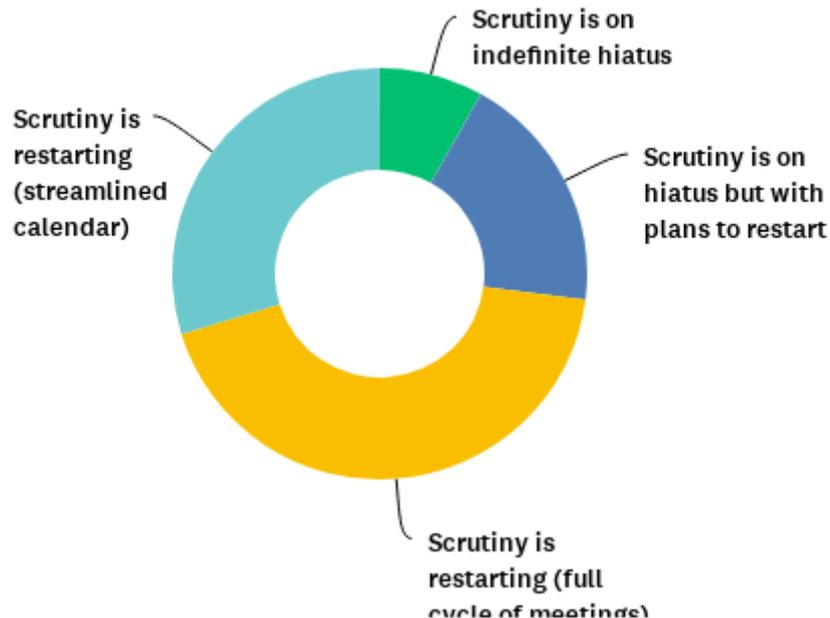


Fig 1. What is happening with scrutiny in your council?

“No meetings are allowed to take place and there have been clear instructions from senior officers that scrutiny matters should not take up any resources until further notice.”

Council officer in authority where scrutiny is on indefinite hiatus

“Senior officers have raised concerns that they are not in a position to support the scrutiny function yet as they are still responding to the pandemic. There's pressure from our local NHS to establish Joint Committees so they don't have to attend multiple scrutiny meetings across the ICS area. Ultimately the culture of the authority and the dynamic of councillors elected on to the council raises doubts about scrutiny's effectiveness going forward. Suggested topics from members appear to highlight the lack of information they have been given throughout lockdown.”

Council officer in authority where scrutiny is restarting in June

It is about these councils that we have most concerns. The suspension of a key element of the corporate governance framework at a time of crisis feels uniquely dangerous. We understand the pressures on capacity that councils are experiencing and the critical need to direct resources where they can meet pressing community need; we have set out how we think scrutiny can and should be seen as central to that process in our guide.

At the time of writing, it is difficult to know exactly how many councils have placed scrutiny on hiatus in this way.

How is scrutiny adding value right now?

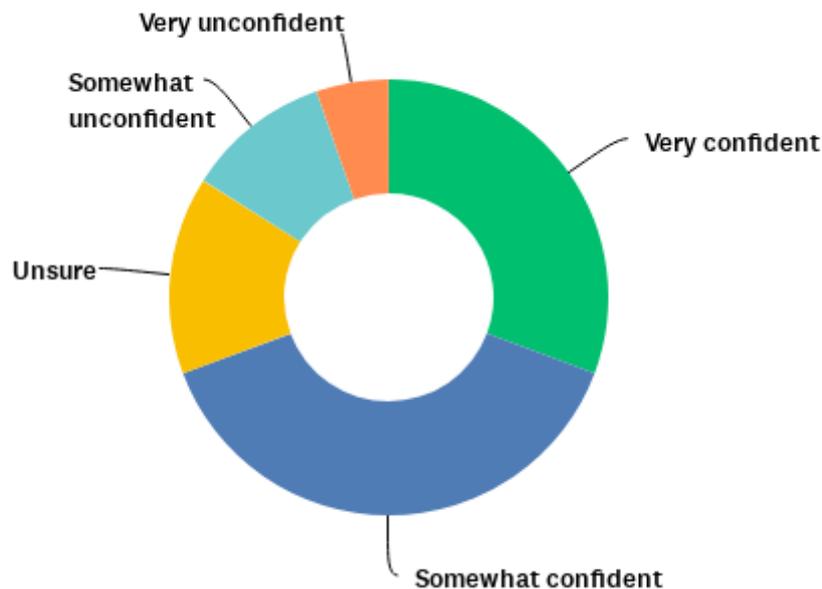


Fig 2. How confident are you that scrutiny will be able to play an active, valuable role in the coming months?

In our survey, there is general positivity about the potential for scrutiny to make an impact now and in the coming months. People talked about plans to engage the executive on live operational issues but also about the long term impact on the local area of the pandemic, and it is on this second issue where we think scrutiny is going to be able to have a lasting impact.

Evidence from our survey, and our webinars and networking activities, suggest that some of the roles being entertained by scrutiny during this period are:

- **Connection to the public.** This includes:
 - Acting as a voice for residents' concerns, which councillors will have
 - Being a conduit for community experience to build on local responses (including capturing hyper-local insight and knowledge)
 - Relaying public questions and getting answers in a 'public' arena
- **Sharing information transparently with councillors**
 - Relaying information in a more formal way than by use of member briefings
 - Using scrutiny to refine the content of all-member briefings
- **Direct scrutiny of the operational response**
 - Forensic review of data and information as it produced;
 - Ensuring decisions are being made and delegated properly;
 - Ensuring co-ordination in the operational response;
 - Scrutiny as the mechanism to gather and share information what is happening in real time;

- **Managing life and limb issues**
 - As we suggested in our scrutiny guide, looking into critical issues around social care, children’s services and other “life and limb” matters;
 - In particular, checking that safeguarding remains strong and that care workers and other frontline staff are properly equipped;
- **Cross-cutting matters**
 - Looking across the board at the impact of the pandemic on, for example, young people, or those especially vulnerable, or on issues relating in equality;
- **Thinking about recovery**
 - Reviewing Business Continuity Plans;
 - Engaging the community on what has worked and what hasn’t, in terms of the response;
 - Reviewing how emergency plans have been implemented and how they have engaged with the newer powers in the Coronavirus Act;
 - Reviewing and considering how services have adapted, and the steps that will need to be taken to ramp up other services (eg libraries) as restrictions begin to ease;
- **Trying to keep an eye on non-COVID matters**
 - Recognising the need to keep a focus on matters such as (for example) waste collection, and other services, which may not be directly adjacent to the pandemic but which are impacted by it.

Taken together this is a huge range of potential issues and no one council could do justice to all of these priorities. That said, some councils are trying to. A worry that things will be “missed” has always been an undercurrent for scrutiny across the country, but we have noted before the need for a different approach to prioritisation and focus. Without this, spreading limited resources more widely will only mean that scrutiny will be less effective.

Operational vs strategic scrutiny

Alongside this, though, councillor and officers recognise a pressure to be scrutinising ongoing delivery and operational response activity. Where this has been the focus, scrutiny may find it difficult to keep up – decision-making is happening quickly. Some councils are discussing putting in place more rigorous pre-decision scrutiny arrangements but the balance between operational response and long term strategy is one that seems to be causing some difficulties in prioritisation.

Ongoing oversight of operational matters raises challenges both for workload and focus. CfPS has often noted the challenges attached to operational review of services through scrutiny. In our guide to scrutiny during the crisis we highlighted the potential for a form of scrutiny that keeps tabs on the crisis – noting the unique challenges which councils and councillors face. But we also recognise the risk that operational overview becomes – as we noted above – a directionless kind of information sharing of large volumes of information with little sense of scrutiny’s value or purpose in reviewing that information. We think that councils should do more to address this issue and to understand where the balance may properly lie.

“I think Scrutiny directly relating to covid 19 would have to be particularly sensitive whilst it is still an ongoing situation. Most of the topics that have come up have not particularly been related.”

Council officer

“There is pressure from scrutiny members to look at operational detail about the Covid response. So there is a sense of having to push back/remind them of the purpose of scrutiny (i.e. not to receive updates/information type briefings). So whilst there is a strong desire to "do something", there haven't yet been discussions about what the focus for this should be and how scrutiny can add value.”

Council officer

There is also a challenge for practitioners in understand the new landscape at local and national level – where responsibility lies and where questions are best directed.

“Councils seem to be at the mercy of central govt somewhat so [it's] difficult to know how to frame questions targeted at council actions and responsibilities”

Council officer

Experiences in restarting

Experiences vary significantly.

In only a minority of councils (which we have noted above) are there no restart plans at all. In places where scrutiny has restarted, where a restart is imminent, or where scrutiny never really stopped, a few common steps have emerged:

- Talking to the executive, and amongst scrutiny practitioners, about how scrutiny role and the language used to describe its work might need to change;
- Retooling scrutiny's structures and systems (as noted above);
- Getting to grips with the requirements of remote meetings;
- Understanding and accessing the information that scrutiny needs in order to be able to carry out its work;
- Swiftly and confidently revising the scrutiny work programme.

“**Geared for COVID**”: CfPS is currently offering a [free, light touch evaluation](#) to councils to ensure that the arrangements they have in place are likely to be fit for purpose for the next few months of the pandemic response.

In many places this has gone moderately smoothly. In some places challenges have come in different, and perhaps unexpected, forms. In one council an officer has reported to us that not physically being in the office means that they are not able to access the usual “informal” ways to get hold of information – the serendipitous meetings in the lift or in the kitchen which form a vital part of working life. For members too, the lack of physical contact with their peers and with officers – on visits to council meetings, and in political meetings – has made it more difficult to scope out colleagues and to engage in the informal networking that can help to open doors for scrutiny.

“It seems to be confusing for both officers and councillors exactly what their role should and could be at present. Hopefully will get clearer after a few meetings (only had one so far).”

Council officer

Officer capacity

In many cases scrutiny officers and democratic services officers have faced multiple demands on their time.

Firstly they have been expected to put in place remote working arrangements extremely quickly – for scrutiny committee as well as other forums. This has involved leading on design of systems, liaising with IT colleagues and providing significant support to members.

In some instances this has been on top of partial deployment onto other issues – which in some cases has been “unofficial”. Other duties include:

- Administrative support for emergency response arrangements (Gold command-level systems as well as operational support);
- Telephone support to vulnerable residents, including the provision of benefits advice;
- Support to local volunteers, including co-ordination of volunteer hubs;
- Support to food banks including the delivery of food parcels to local people.

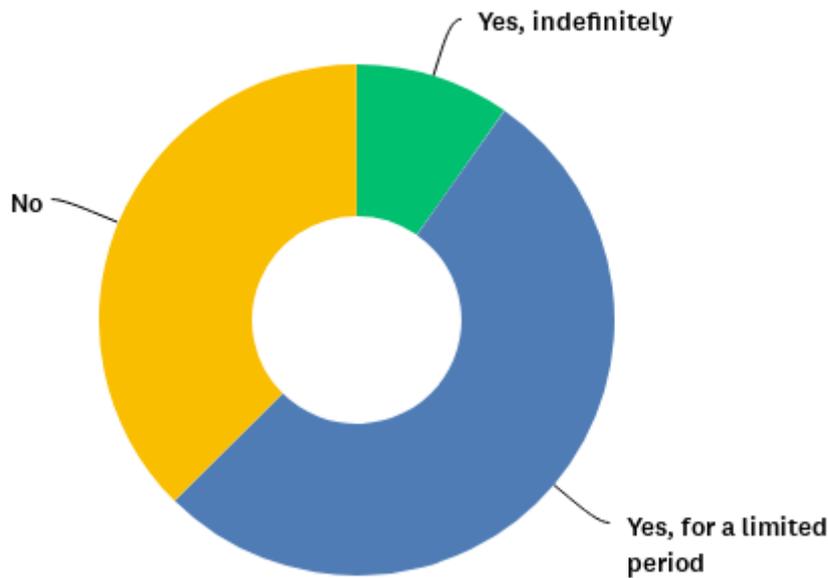


Fig 3: have staff been redeployed during the crisis?

In some cases redeployment has come to an end and staff are returning to their substantive roles. In others, redeployment has been open-ended, and scrutiny is having to continue to be supported by (for example) one officer when a team might hitherto have had three or four members. In our snap survey, 60% (35 of 75) said that some scrutiny and democratic services staff had been redeployed either temporarily or indefinitely.

In many more cases, officer capacity within scrutiny and democratic services team may not have been depleted, but the capacity of other officers has – they will be working hard on strategic and operational matters relating to the response. Expectations need to be set as to the extent to which they can “service” scrutiny if members are not self-critical in how they prioritise and focus their work.

“To be honest - we are spending so much time stage managing virtual meetings and getting them off the ground that doing any meaningful scrutiny work in support of the committees is proving difficult at this moment in time. We are also having to play catch up after working in other parts of the council.”

Council officer in authority where scrutiny is in the process of restarting

“The cancellation of scrutiny meetings is not to do with capacity of scrutiny/democratic services but more to do with heavy pressures on departments and the need for them to prioritise Covid response over less time-critical items which were scheduled for scrutiny. Also the availability of other Forums for Members to raise Covid issues.”

Council officer

Scrutiny's role in debriefing and reflection on the crisis

We think that there is a critical role for scrutiny in reflecting on the crisis – [we published a blog on this issue in early June](#). There is also a role for scrutiny in reviewing and advising on recovery plans. These are distinct, but connected, responsibilities. It is only by reflecting on the crisis that effective plans for recovery can be put in place.

Usually debrief is an important part of the aftermath of an emergency. This is usually an operational process led by professionals. The nature of this crisis is very different, and demands a more strategic – and ideally member-led – approach.

There is an awareness of the opportunities that exist to use scrutiny for this purpose – but local discussions appear to be at a very early stage.

Current hopes

We asked practitioners about their hopes and expectations for scrutiny's involvement. On reflection, they told us that they wanted to see:

- A formal role for scrutiny – ideally, leading the debrief process itself, as a mirror to the likely public inquiry which will take place nationally;
- Scrutiny providing a space for candid and public reflection on experiences from professionals, politicians and local people;
- Scrutiny's independence and the fact that it is led by local people being seen as key reasons for its legitimacy to lead.

People are, however, worried about scrutiny's capacity and capability to take on this significant challenge. This is something that we at CfPS continue to work on.

On recovery, people told us that they thought scrutiny:

- Could involve a wider range of people involved in the planning process;
- Could start with any formal recovery plan – whether or not it is in draft or already approved – and use it to drill down. Recovery plans are likely already to be under development and are likely to change – as such the way that such plans come to be implemented is likely to look different to what we might expect. They will not be “developed” and then “implemented” – they are more likely to be living plans which change to meet new needs. Scrutiny's engagement will need to be similarly dynamic;
- Drawing on new techniques for programme management and design thinking to support the way that the council recovers;
- Looking at the council's attitude to risk and how it informs how recovery plans are developed and refined;
- Helping the council to understand and manage the financial implications of the crisis. This is likely to become increasingly important as the year goes on.

Overall, the role for scrutiny in recovery is being thought of as a way to clarify and refine the role for scrutiny generally – cutting back on extraneous activity.

Practitioners spoke to us about seeing this as an opportunity to cut back on repeat reporting to committee, and giving scrutiny the sense of long-term focus that we talked about in “The good scrutiny guide” (2019).

For some, there is a realisation that the pandemic will fundamental change the way that councils work in the future. There is an enthusiasm for scrutiny to be part of an emerging conversation about what these changes might look like for local democracy and governance. We’ve blogged on some of these implications.

Current plans

In our survey, respondents were split half and half on whether discussions about this were yet underway.

Even where discussions have been happening, plans are at a very early stage. Some people have tried to raise debrief and reflection with others in the council but have been advised that it is “too early” to do so. In other places member-level discussions are just starting, and are expected to gather pace in June and July.

In **Lancashire**, high level discussions are already happening on scrutiny’s role in reflection and debriefing. **Mid Devon** is planning a task and finish review on the response later in the year. In some places, like **Mole Valley**, the forward look is being framed with reference to the 2021/22 budget – this is a good way to place the need for reflection in its true context, which is the developing financial challenge.

In other places like **Gedling** and **Sedgemoor**, only the most preliminary discussions have started.

There is an argument that says that ongoing scrutiny, and reflective scrutiny at the “end” of the process, need to be seen as part and parcel of the same thing.

Southampton is one of the places where ongoing scrutiny of the crisis and reflective scrutiny on recovery are becoming comingled. Here, the council’s response, the outcomes for children and families and the health impacts will be considered by their three scrutiny panels.

In **Derbyshire**, there are developing plans for scrutiny to be involved in reflection, although at this stage little appetite for “running”, ongoing scrutiny of the response to the pandemic.

In a way these approaches (and the reticence seen in many councils on this issue) is unsurprising. At the time of writing local areas are only beginning to move out of lockdown, and councils are under significant pressure to manage the process by which the local economy and local services open back up. The inherent uncertainty of this means that planning ahead is difficult. Also, there is a sense that senior officers and others continue to be under significant pressure. It could be seen as premature, and flat-footed, to weigh into a conversation about recovery and reflection when the direct response continues.

We recognise these sensitivities, but think that although timescales may be unclear, agreeing the terms of engagement for scrutiny now will help in preparedness. This is, not least, because if scrutiny understands this likely future role now, it will be in a

better position to gather evidence to support this work as the weeks progress, meaning that scrutiny of the recovery can be that much more efficient and effective.

Further reading

Full details of CfPS's ongoing support offer to councils can be found at <https://www.cfps.org.uk/covid-19-notice/>