

Scrutiny Improvement Reviews – main themes & findings

Written by Ed Hammond, CfGS and Kate Grigg, CfGS

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Introduction

In 2018, CfGS carried out its first evaluations of local authority scrutiny functions using a new method, and under a new title. We brought together our wealth of research, policy and practical experience and developed the “[scrutiny improvement review](#)” (SIR) as a consistent and comprehensive way to evaluate scrutiny arrangements, to diagnose problems and to prescribe solutions.



In the time since we have carried out more than 30 of these exercises, which have produced clear and tangible results for those councils who have been through the process.

This short report takes the opportunity to reflect on the common features that our work has surfaced, as well as the impact that SIRs have had. It provides an analysis and evaluation of the emerging themes from all of the reviews we've carried out in the past three years.

The SIR method

The SIR is an evolution of a range of tried and tested tools for the evaluation and review of scrutiny which CfGS has developed since we were established in 2003. It is based on a clear, consistent and transparent framework which has flexibility to deal with councils' particular needs. It is carried out through a combination of:

- review of documentation,
- evidence and assessment - interviews, surveys and observation of meetings,
- a study of scrutiny's role and integration in the council,
- the joint development of a realistic action plan.

SIRs look at four main areas:

1. Organisational commitment to scrutiny. Here, we have found that while cabinet member and senior officer leadership have a maturing understanding of scrutiny, in some instances this still falls short of what we think is necessary.
2. Member engagement, plus leading and fostering good relationships.
3. Prioritising work and using evidence well.
4. Making an impact

The SIR provides councils with CfGS expertise to assess where scrutiny is adding value, identify improvements, and help to implement practical solutions.

Because the vast majority of SIRs that we have carried out have been in leader-cabinet or Mayoral authorities, this paper does not cover the distinctive dynamics that apply to the operation of scrutiny in committee system authorities. We plan to produce something separately on those issues as our evidence base expands. Because we have not carried out SIRs in Wales, and because the legislative and public policy environment relating to

scrutiny in Wales is different, the conclusions in this paper should be interpreted as applying to England only.

We should stress that SIRs are carried out, almost by definition, in councils which have recognised a need for scrutiny to improve. As a cohort, these councils are therefore not representative of councils across England and Wales. As part of the process for gathering evidence for the 2022 annual survey of overview and scrutiny in local government, we will be exploring the extent to which the cohort of councils undertaking SIRs is different from the main body of local authorities across England.

A word on committee structures

One of the things that CfGS is most frequently asked to do is to make recommendations on scrutiny committee structures.

Committee structures can often be a sticking point in discussions of scrutiny's effectiveness. It is common for both members and officers to think that if they can make tweaks to structures they will unlock better ways of working.

We rarely end up making suggestions for structural changes because structural changes, on their own, tend not to lead to improvements. Research from the CfGS annual surveys shows no clear link between the number of scrutiny committees and scrutiny's overall effectiveness.

Often an SIR will dig in to the issues behind those structural challenges; we will sometimes make recommendations for structural change but these are never front and centre of the work we do. Culture almost always comes first; tweaks to structure can, of course, help to push culture in the right direction.

Main themes and findings

1.1 Organisational commitment to scrutiny

The attitude of the executive towards scrutiny

Effective scrutiny requires a strong organisational commitment. Without that vocal, practical commitment, scrutiny will struggle to have its voice heard.

The presence of this organisational commitment is variable. In the past, in some councils, some cabinet members and senior officers were vocally antagonistic towards scrutiny – this attitude is now far less widespread. But there are still authorities where commitment is understood more in the abstract than in practice.

Some council leaderships will “talk the talk” on scrutiny – being able to articulate its importance and express a commitment to supporting it. “Walking the walk” is a tougher

challenge – it involves facing up to the everyday challenge that scrutiny may be doing things which are awkward and frustrating for the executive, and sometimes appearing to be against party loyalty, and recognise the need to put in the effort to work through those challenges.

Often, council leaderships are frustrated because there is a recognition that scrutiny may not be working as effectively as it might be, but a parallel lack of understanding about the importance of practical commitments of support.

Parity of esteem

The majority of councils we've reviewed believe that scrutiny can play a greater role in the way democratic decisions are made. In some cases, the time and resource dedicated to scrutiny inhibits the impact it can have. Putting scrutiny and cabinet on a more equal footing can create conducive conditions for effective challenge to happen, and will bring benefits in terms of improved decision-making.

A barrier in realising this is that scrutiny often lacks the respect and value that it arguably ought to hold in relation to executive decision-making. Achieving this "parity of esteem" means that the scrutiny function has the same importance in the council 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 an executive member.

A common finding in our SIRs emphasises that organisational culture is foundational in improving the quality of scrutiny, and sometimes this means aspects of the current prevailing culture may need to be challenged in order to improve governance overall. We have often recommend that senior officer and political leadership satisfy themselves that they are proactively doing all they can to support and foster a culture which welcomes challenge and an effective scrutiny function.

Resourcing

One of the most obvious indicators of the organisation's commitment to scrutiny is the decision to resource it appropriately. Over the course of the past decade, CfGS has recorded a contraction of the available resource for scrutiny overall, and a "deprofessionalisation" of the scrutiny skillset, with officers expected to provide policy support for scrutiny alongside a range of other responsibilities. The move to more generic posts also risks the deskilling of other specialist roles in and around local authority governance.

In authorities where we have carried out SIRs, the council's decision to review scrutiny has often related to a sense of concern that the function is "drifting", which often correlates with a lack of officer support. Ironically, some SIRs have suggested to us that a reduction in direct officer support leads to additional calls on the time of more senior officers, who are required to deal with unmediated member requests and enquiries that would otherwise be dealt with by a scrutiny professional.

While SIRs rarely result in a suggestion that more officers be appointed as a “magic bullet” solution to lessening effectiveness, we have in a number of authorities suggested that the skills and expertise of officers providing advice to councillors be better understood, and for skills gaps to be addressed. In some instances this has resulted in temporary “development” resources being invested in scrutiny.

There is often also a case for addressing member assumptions about the amount of support available to them. In some instances a reduction in officer support has not led to a recalibration of members’ expectations about the level of advice and guidance they can expect to receive. In some councils, officers and members have had to have difficult conversations about prioritisation and focus (which we discuss in more detail below).

What “good” looks like

- Clarity on the role and purpose of scrutiny within the council’s overall governance framework, and how it aligns with council decision-making.
- Proactive approaches being taken by the leadership to draw scrutiny into discussions on the development of policy.
- An understanding that scrutiny’s sense of what’s important may diverge from the executive’s.
- Support for the scrutiny function and a recognition of the value it can add to overall council governance.

1.2 Member engagement, plus leading and fostering good relationships

Member leadership

Good chairs are crucially important. We don’t subscribe to the “heroic” model of leadership. This is the idea that all you need is a charismatic person at the top who can lead the way, bang heads together and be an all-round exemplar of positive behaviour; someone who commands cross-party respect and who all councillors can “get behind”. That said, having people in chairing positions who command respect and are independent minded seems more important now than ever. This is not so much a matter of party affiliation - an independent mindset is important too.

Scrutiny’s success is dependent on the right members, with the right capabilities and attributes. Unsurprisingly our SIRs have found that scrutiny is more effective in councils which take member support and development more seriously.

The lack of opposition members involved in scrutiny chairing roles is often raised as an issue in our reviews. Whilst there is no single right approach to selecting chairs - the emphasis in our SIRs is always on selecting chairs based on skill set and providing ongoing training and support.

Scrutiny members' engagement

The commitment of members of scrutiny committees is highly variable. In most councils there appears to be a core of highly committed and engaged members – those who are involved in the leadership of the scrutiny function. Sometimes, these members are drivers of high quality work and continuous improvement. In some instances, these members can act as a barrier to change – by perpetuating ineffective approaches to scrutiny or adopting an overly politically partisan approach to their work.

Council officers often struggle to support scrutiny leaders to lead. Sometimes this is due to a lack of political astuteness; sometimes it is because personal member-officer relationships are strained. Evidence from SIRs demonstrates that individual political groups may need to do more to understand where chairs, and others in leadership positions, need to do more, and where they may need support.

Succession planning in chairing is also important. Changes in political administration can lead to a wholesale clear-out of chairing positions; it can also lead to recent cabinet members becoming scrutiny chairs and/or sitting on scrutiny committees. Often these members are skilled and capable – but the scrutiny and executive mindsets are very different. Training may be needed – even for long-standing councillors – around changes in administration and member roles.

Scrutiny members' behaviours

By and large SIRs involve observation of councillors in meetings. Increasingly, we are able to do this by watching webcasts; the proliferation of broadcasting since the onset of the COVID-19 pandemic has in particular made it much easier to carry out a wider range of observations.

Scrutiny is not always a politically “neutral” space. In any democratic institution there will be differences of opinion and disagreement about policy and decisions - this should be accepted. However, if scrutiny encounters become too politically charged or adversarial this can weaken mutual trust and respect and lead to defensive and negative outcomes, rather than resulting in creative and useful exchanges.

Behaviours in scrutiny committees are generally good – although as ever we have seen some examples of poor behaviour. In our experience councillors do understand the need to work together collegiately on scrutiny committees – this does not always result in a harmonious team environment, but usually does involve councillors understanding the political motivations and perspectives of their peers. We have seen some excellent examples of councillors exhibiting good behaviours in committee – working together to probe, and tease out, complex issues. The quality of questioning in a committee environment seems to have improved in recent years.

Our SIRs have found that in committee meetings scrutiny can very often become a ‘conversation’ or an information exchange or become too focused on detailed aspects of operational and council performance. In many instances, scrutiny can frequently favour detail over strategy and overlook the bigger picture, with too little emphasis on improving through enquiry and constructive challenge. This can be due to the prevalence of

information-gathering questions or political statements and short speeches, rather than exploring and probing questions.

Behaviours outside committee vary. Chairs and other scrutiny councillors in leadership positions by and large work well together and are committed to the effectiveness of the function – although they can struggle with the workload. Increasingly, chairs understand the responsibility to engage in scrutiny activities between meetings.

There are instances where officers report frustration at members making what they consider to be unreasonable requests. These are covered in the section above on organisational commitment, and below where we talk in more detail about access to information and prioritisation.

There are also more serious instances of antagonistic member behaviours – towards members and officers – which could be considered bullying and harassment. There is a wider trend in the sector of councillors being both victims and perpetrators of this kind of behaviour, but it is particularly egregious when such behaviour is perpetrated against officers who cannot answer back.

These instances are still rare, but they have still been present in some SIRs that we conduct. In some cases they are part of a wider trend amongst a small cohort of councillors who instinctively distrust officers and consider the institutions of local government to be, by their very nature, corrupt. Managing these behaviours is extremely challenging – they can be disruptive and frustrating for officers and fellow councillors. They can also hide genuine concerns about council activity and performance.

Relationships with cabinet and senior officers

The issue of member/officer, and executive/scrutiny, relationships is distinct from overall organisational commitment, discussed in the section above. Instead, it engages with the day-to-day way that scrutiny engages with others.

From our reviews we have found that both scrutiny and the executive benefit from a closer relationship. Rather than operating along parallel lines, collaboration between them enables scrutiny to align and play a greater role in policy development, and for the executive to draw on a different perspective and source of recommendations.

When scrutiny and the executive engage early and regularly outside of formal committee to discuss and share future plans, it builds a better understanding of what decision-makers are trying to achieve and how scrutiny can provide input to test and refine these plans. Whilst collaboration between scrutiny and the executive is important, scrutiny must also retain its independence and not feel as if it needs to mirror cabinet activity. From a situation some years ago when such conversations were rare, it seems that more councillors are able to engage in these more routine, strategic, discussions about scrutiny's contribution.

Whilst scrutiny should expect to routinely hold executive members to account and to engage in constructive challenge that ensures open and transparent public accountability, we find that this is often not the case. In many authorities the leader and executive members may attend scrutiny meetings, very rarely in some instances, but they are often not held to account. Instead, scrutiny has a tendency to focus on officers and officer reports, where executive members are present their contributions are very light touch.

In our experience when executive members attend and are the focus of questioning, a more strategic exchange takes place and better recommendations are achieved. To enact effective democratic accountability, our SIRs frequently underline the need for scrutiny to recognise its role and responsibility in holding the executive to account, ensuring questions are directed to the relevant portfolio holder and are linked to clear priorities.

Training and development

The overall training and development offer available for members is generally good – although in many councils where we have worked we have noticed that member take-up of opportunities is quite poor. During the pandemic, take-up noticeably increased, which points the way to more remote approaches to learning that can fit in with councillors’ schedules. Councillors’ lack of engagement with training engagements relates, we think, more to a lack of time than an unwillingness to engage in personal development. The attitude to training has, we note, shifted significantly (in a positive way) in recent years.

What “good” looks like

- A role description prepared for the chairing and committee member roles to provide clarity around expectations and responsibilities.
- Scrutiny chairs selected – or elected, by other councillors - on the basis of ability to lead committees in an impartial way, and supported with specialised coaching and mentoring to build confidence and experience.
- The offer of scrutiny development and training for all committee members to develop a common understanding of what “good” scrutiny practice looks like.
- Scrutiny and the executive working collaboratively – within a framework where the need for scrutiny’s independent challenge is recognised. This will involve regular communication and information sharing so that scrutiny can be a resource to inform executive decision-making.
- Upholding respectful behaviour between members and between members and officers even in the context of robust challenge, having regard to Codes of Conduct and the Seven Principles of Public Life.

1.3 Prioritising work and using evidence well

Scrutiny’s role

The Government’s statutory guidance on overview and scrutiny, published in May 2019, highlighted the importance of articulating scrutiny’s role clearly. The SIR process is designed to explore the extent to which such a role is agreed and understood. The presence of such a role is vital for scrutiny’s ability to focus on looking at the right things, at the right time, and in the right way.

Many councils have not clearly set out what scrutiny's "job" is – beyond to challenge and hold to account the authority's executive. Scrutiny for scrutiny's sake is obviously important – and a vital part of local democracy. But councils also need a way for them to prioritise their workload in an environment where there could be many calls on the function's time. Our experience with SIRs has been that scrutiny in many places struggles with this challenge, and that this struggle rests on the inability to find clarity on this overall role.

Generally, in most councils where we have provided support members and officers are able to articulate the purpose and contribution that scrutiny should be making, although from our experience of reviews it appears that challenge is sometimes misdirected and demonstrable impact on decision-making is often lacking.

In our experience, prioritising well (and delivering work of impact) has three main stages:

- Setting scrutiny's role
- Ensuring that scrutiny members have access to timely and relevant information about this role
- Ensuring that a work programme is developed which reflects the content of that information, and councillors' assessment of what that information tells them about what matters are most important

Access to information

Access to information is central to the ability to prioritise work well. In itself, it is also an important right.

Information access continues to be a concern. Things are improving though, and this improvement is probably accelerated by what the statutory scrutiny guidance has to say about information access. Where information access has proven challenging it is generally because the officer understanding of member need (on the executive side) isn't present – relationship-building will usually result in a more nuanced and positive approach on the part of senior officers. It is also the case that officers are not as aware of councillors' information rights as they might be.

Councillors, too, are not as aware as they might be of their information rights. It is fairly common for councillors to embark on "fishing expeditions" to try and get hold of information that they think may be useful or relevant to their work. As we noted above, this can give rise to frustration amongst officers surfacing those requests, but sometimes they can be justified – dedicated scrutiny officers tend to be good at managing these issues, but others less so.

Councillors are expected to be more self-servicing in their use of information than used to be the case. Their overall skill level – in understanding data, what it does and doesn't show, and what they should expect to see – tends to be high, and higher than we know it has been in many councils in the past. Councils are also good at identifying training needs in this area and addressing them – as we comment further above.

Gathering information from partners and the public

Public engagement has long been thought of as a weakness for scrutiny. Resource-strapped scrutiny functions find it difficult to plan and deliver meaningful public engagement exercises; officers often lack the skills to secure insights from the public and councils can be reticent to release corporate resources (such as those from communications teams) to support such work.

In some councils there is a worry that a high profile scrutiny function will confuse the public, who can see the council as a single entity without understanding the nature of the executive/scrutiny split. In other instances scrutiny is warned off particularly controversial topics for fear that it will act as a lightning rod for community dissent.

There is more that councils can do on public engagement in scrutiny but without the necessary resource they will always find this challenging. As ever, part of the solution is likely to lie in being more discriminating on those matters where public views are sought – and thinking more creatively about both topic selection, and the methodology of reviews, with the public in mind.

Partnership working is similar – it requires relationship-building and an awareness of complex dynamics beyond the organisation. This kind of work – which some councils still refer to as “external scrutiny” – is an area of growth and of significant success for the function. Many councils can point to strong work with health partners, and with others in the local community – other public sector bodies, charities, landlords and so on.

Health scrutiny is a particular strength in many places.

Work programming

Councils are now much better than they used to be on work programming and selecting the right topics. The changes that we often end up recommending feel more like they are about refining systems that are already fairly robust, rather than arguing for the rebuilding of work programming systems from the ground up.

We find that scrutiny can become heavily burdened when its remit offers a broad scope, which can lead to it taking on perhaps more than its capacity can handle. The solution may not necessarily be to increase capacity, but for scrutiny to be more focussed in its methods of prioritisation. Work programming is key to ensuring scrutiny stays focussed on strategic issues where it can make an impact, whilst making the best use of time and resources.

The big, high impact areas embedded in the council corporate plans are often not clearly integrated with the work programme of scrutiny committees. Scrutiny should focus its attention on cross-cutting issues which affect communities across the local area, avoiding parochial issues affecting single wards.

Through our SIRs we often find that scrutiny could be more involved in the budget process, and at an earlier stage for meaningful input. Scrutinising council finances, including the medium-term financial plan, monitoring financial and operational performance, together with commercial partnerships and other external arrangements does not seem to be sufficiently

explored with many councils we've worked with. In respect of commercial activity, procurement and outsourcing, scrutiny continues to struggle to find a productive role. We increasingly recommend that scrutiny functions develop an awareness of risk to inform their work.

Often members feel that they have little opportunity to influence scrutiny's agendas, and the way that issues are prioritised. In any council it is vital that scrutiny organises a work programme that is member-led in order to have maximum engagement and ownership over committee activity.

What "good" looks like

- Scrutiny members developing greater expertise and insight, especially on the more technical aspects of finance, commercial activities and transformation.
- Using independent experts and more officer 'masterclass' style events to build member knowledge and confidence.
- Changing the way that information is provided to members for oversight, cutting back on the number of items coming to scrutiny solely for information.
- An annual process for developing work programmes for each scrutiny committee, engaging members, officers, partners and the public to prioritise the topics for review. This could include selection criteria to identify appropriate topics for the work programme.
- Being flexible with work programming and understanding that it is developed on an ongoing basis.
- A concerted effort to engage the public in scrutiny's work, going on more site visits in the community and greater use of social media channels for resident input.

1.4 Making an impact

Scrutiny impact is a recurring theme in our SIRs.

Scrutiny functions are significantly better at recognising the central importance of evaluating and proving their impact. This has not made the task any easier, however. Formal systems for monitoring the acceptance and implementation of recommendations is still lacking in some cases. That said, the quality of recommendations in those areas where we have conducted SIRs seems to have been improving

Often the timing of scrutiny's input in the decision-making process can have a considerable effect on its impact. There is usually a real intent to engage in pre-decision scrutiny. However, for this to add value and help to shape or challenge, pre-decision scrutiny usually needs to operate more upstream, and look at policy at an earlier stage as it is forming rather than when decisions are imminent.

Some councils where we have provided support attempt to carry out pre-decision scrutiny which engages with a decision a matter of weeks before it comes to be made. This can be

ineffective (although we have seen examples of pre-decision scrutiny of this type which – through careful planning and direction – can have a positive effect).

This points to missed opportunities for scrutiny to add value and to be an integral part of the council's corporate plans and overall improvement. From our experience we have found that if councils want greater impact from their scrutiny function, then it will need the support and early access core policy and decision-making activities of the executive. This early involvement does require a council leadership which is confident and relaxed about having early policy conversations in public. This can often be seen as too significant a political risk, however – even though plenty of senior officers and cabinet members say that they support such an idea in the abstract. We are still seeing whether there is a formula for work of this type that strikes the right balance.

Too often scrutiny work fails because it is focused on activity, not on outcomes. Having a clear sense of objectives and the value that scrutiny work might add is central to having an impact. Fundamentally, a lot of the impact of scrutiny is difficult to quantify, but the more planning that is done at the outset, the more confidence scrutiny can have that the work will make a difference.

Making high-quality recommendations and understanding how output makes a difference to local people's lives is a vital part of effective scrutiny. Scrutiny needs to provide a regular source of quality recommendations to the executive, and the executive needs to provide clear feedback so that scrutiny's effectiveness and contribution can be tracked.

Our SIRs consistently find that task and finish style work is highlighted as the most successful examples of scrutiny. This more in-depth scrutiny can be highly productive and useful to the council, and members often reference that working groups lead to good cross-party working and positive outcomes.

What “good” looks like

- Publishing an annual scrutiny report, shared at full council, to outline scrutiny's focus and impact over the past year.
- An emphasis on finding strong recommendations from questioning to present to executive members (or partners).
- Orientating scrutiny towards outcomes-focused meetings through preparation.
- Reviewing how scrutiny recommendations are made and how impact is measured.
- Considering greater use of task and finish groups. This can allow improved cross-party working and detailed investigation of a single issue focused on producing substantive recommendations.

For more information, or support around scrutiny in your local authority contact info@cfgs.org.uk.