

# Annual survey of overview and scrutiny in local government 2022/23



# Introduction

“The loudest voices on scrutiny are highly opinionated and party-political, and use scrutiny to elicit information for party use and for making dogmatic statements without allowing officers to correct them.”

This statement made by a respondent to this year’s survey (and we will leave you to guess whether it was made by a member or an officer) is, thankfully, less representative of scrutiny practice nationwide than it might have been previously.

It remains the case that while practice in many councils continues to develop and improve, there remains a big variance with councils getting scrutiny 'right' and those struggling to do it properly.

2023 is CfGS’s 20th anniversary, and this annual survey is the 15th we have carried out. Scrutiny itself is now 23 years old. In all that time many of the key lessons remain consistent. The results of our survey continue to demonstrate that effective scrutiny – as we have noted in previous publications and research – is as much a matter of culture and attitude as it is one of having systems and processes in place.

Councils “cutting and pasting” executive-scrutiny protocols in the hope it will lead to immediate behavioural improvements is a case in point. Cabinet members, senior officers, scrutiny members and scrutiny officers have to walk the hard yards to build and maintain positive working relationships – and have to recognise their own distinct roles in making better scrutiny happen. Improving scrutiny is not just a job for scrutiny chairs.

Many councils are cracking this, and there are growing examples of where good practice, good process and good behaviours are in alignment.

## Method

The survey was opened on 19 January 2023 and closed on 3 April 2023. 131 responses were received from 114 councils, with certain duplicate responses being removed from certain questions so as to avoid double-counting. We asked the most senior officer with day to day responsibility for scrutiny to fill in the survey, although not every council responding did this.

The purpose of the survey is to provide an overall snapshot of general practice in local government scrutiny, with a particular focus on perceptions of the function’s value and effectiveness. We can use the data to identify correlations between different approaches and methods, but it cannot be used to demonstrate direct causation. We can compare results between years, and draw general conclusions, but in doing so we have to be cautious because not all the same councils responded in 2021/22 as did in 2022/23 - although there is a fairly significant crossover and the sample size gives us a degree of confidence in comparability.

The report does not make explicit reference to absolute numbers or percentages in responses because although that makes the outcome of the exercise sound more scientific, it adds little to the interpretation of the data we have gathered.

**The survey was designed and deployed by Natalie Rotherham, seconded to CfGS as a Senior Governance Consultant from Hertfordshire County Council. Analysis, and the writing of this report, was carried out by Ed Hammond, Deputy Chief Executive.**

# Overall: what makes for good scrutiny?

As ever there is a correlation between what we would consider “effective” scrutiny and those elements of scrutiny practice which we think support it.

We classify “effective” scrutiny by reference to a basket of several questions in the survey. This includes the question on the percentage of scrutiny recommendations accepted and implemented, and general questions which ask respondents about their confidence in and perception of the function. The measure is imperfect, but it provides a result grounded in local experiences, and one which has tended to demonstrate consistency, year on year, in what it tells us about scrutiny practice.

**Councils with a particular range of characteristics tend to also be those where scrutiny is, and is seen to be, effective. Councils with effective scrutiny, by these measures:**

- Tended to be more confident on financial scrutiny, and more confident in ability to address the needs of commercial scrutiny;
- Tended to report particularly strong executive-scrutiny relationships (although as we have noted, the presence of an executive-scrutiny protocol no longer correlates);
- Tended to be more likely than respondents overall to have arrangements in place for the regular sharing of information with members;
- Tended to be more positive about scrutiny’s ability to look at the right topics at the right time, through effective work programme;
- Tended (although the correlation is quite marginal) to be councils with specialist policy officer support for scrutiny committees.

When we say “specialist / dedicated policy officer support” we mean officers whose primary skillset and role is to provide advice to scrutiny members on policy matters. These officers may also perform other duties (for example, administering task and finish meetings).

We still think that the presence of dedicated policy support for scrutiny committees is a factor in making scrutiny more effective; the results show a small but marked improvement in a range of measures for councils with this support compared to those without it.

# Impact: agreeing and implementing recommendations

We have to be cautious because our year-on-year sample will be slightly different, but we are somewhat confident that we have seen a steady increase in recent years in the rate of scrutiny recommendations being accepted and implemented.

This has been accompanied by an increase in the number of respondents reporting that their council has in place systems for monitoring recommendations. Until relatively recently some councils' processes for monitoring were fairly limited.

Now they are more robust. However, it remains the case that formal recommendations overwhelmingly come from task and finish groups, which can be resource-intensive to support. It remains the case that few substantive recommendations "come" from committees themselves.

## Common approaches

**"There isn't a formal monitoring process but review reports come back to Scrutiny a year after the original report for an update on progress."**

**"Cabinet responses to Scrutiny recommendations are monitored at 6 months after cabinet approval, then again 6-9 months thereafter. Where issues are complex or progress difficult, scrutiny will continue to review and monitor."**

**"We have a recommendations tracker, which includes officer actions and requests for additional information, which we as a scrutiny team monitor regularly and is also considered at a Chairs and Cabinet meeting 3 times a year"**

**"There are very few recommendations and no specific system for monitoring them."**

**"We don't monitor recommendations, but over 99% of scrutiny recommendations are approved, as they consider the same reports as the Executive subsequently considers."**

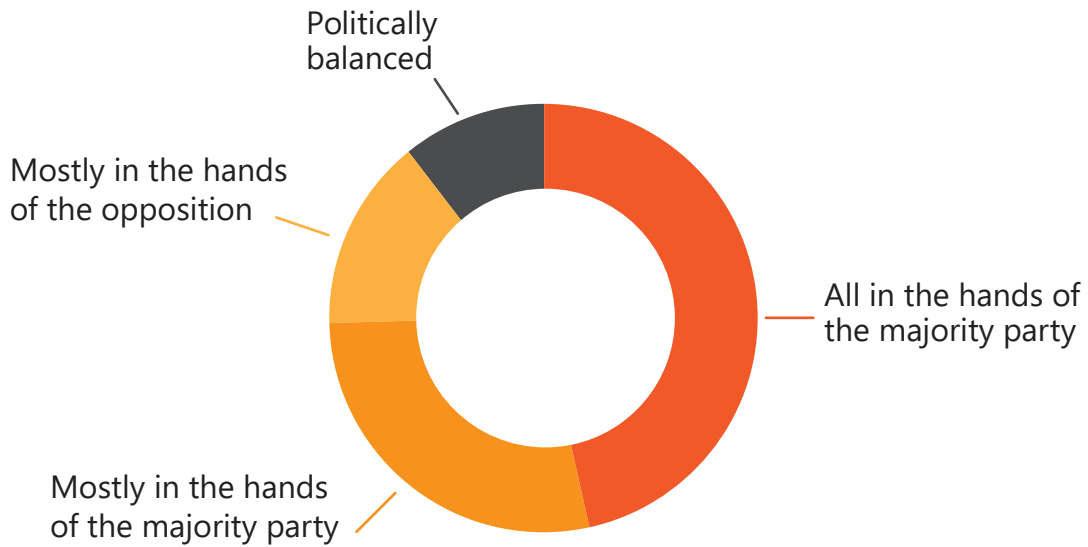
**"Most recommendations by Scrutiny & Overview are to Cabinet so the responses are in the Cabinet papers, and not many are accepted. However, the recommendations by the Scrutiny Sub Committees are very largely accepted by the departments."**

# Chairing arrangements

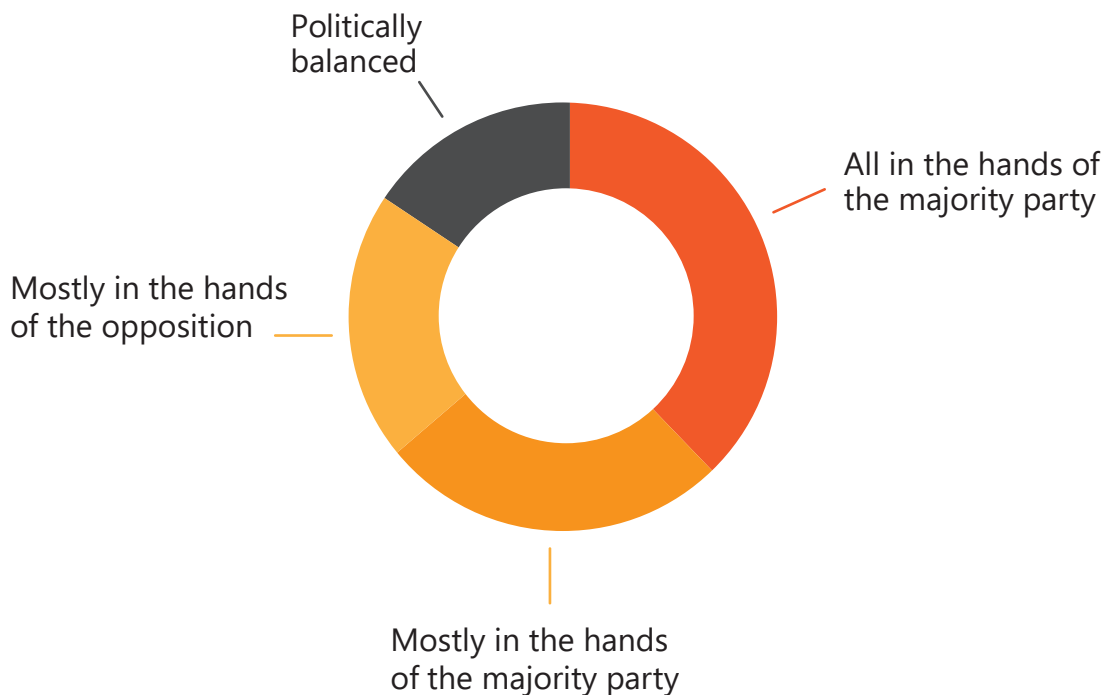
We asked about where councils have politically balanced chairing. One thing we are often asked is whether scrutiny is more effective where chair positions are allocated proportionately, so we wanted to dig into the characteristics of places where chairing was politically balanced to see if this approach correlated with evidence of more effective scrutiny.

As in previous years, councils tend to appoint opposition vice-chairs more than opposition chairs. The model of having scrutiny committees with a majority party chair and a minority party vice is fairly common.

## Chairs, 2022/23



## Vice-chairs, 2022/23



## To what extent do you agree with the following statements about scrutiny

### Councils with politically balanced chairing, 2022/23



### All councils, 2022/23



### All councils, 2021-22



■ Strongly agree  
 ■ Agree  
 ■ Neither agree nor disagree  
 ■ Strongly disagree  
 ■ ?

In 2022-23, where councils had politically-balanced chairing, respondents tended to be more positive about relationships between councillors (including between scrutiny and the executive). This maps, though slightly weakly, onto other measures of effectiveness (so, these councils reported slightly more recommendations being accepted and implemented, and slightly more confidence and effectiveness on

financial scrutiny. The correlation is not strong enough for us to say for sure that politically balanced chairing makes for “better” scrutiny, but it does seem to make people working in scrutiny in councils more positive about the function and the way it operates.

# Executive scrutiny protocols

**Executive-scrutiny protocols are agreements between a council's executive and the scrutiny function, setting out arrangements for matters like:**

- The provision of information, at meetings and between meetings;
- Support arrangements from senior officers;
- Liaison between scrutiny chairs and cabinet members;
- Scrutiny's ability to engage with external partners and communicate with the public using the council's communications resources;
- The way that findings will be developed, and recommendations submitted and agreed.

Protocols can also cover other issues.

More respondents in 2022/23 had a scrutiny protocol than in 2021/22. As noted above not all the same councils responded in 2022/23 as responded in 2021/22, meaning that we need to exercise some caution in comparison, but from free-text responses we know that a fair number of councils have indeed adopted executive scrutiny protocols for the first time this year.

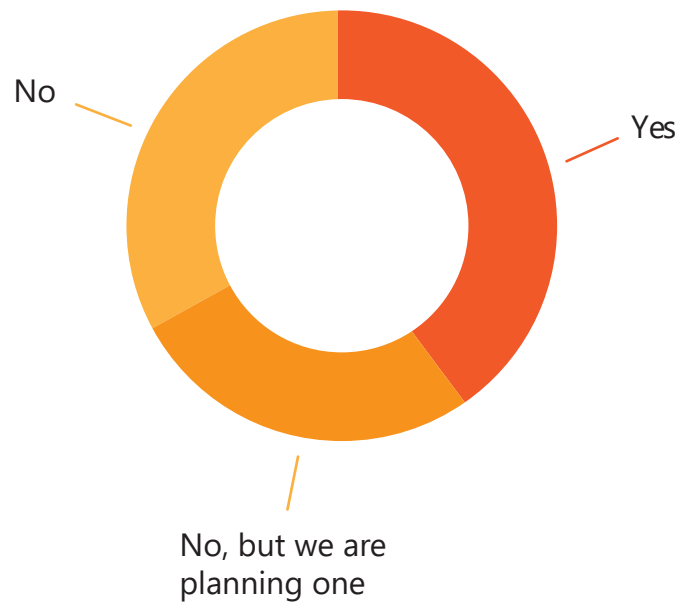
This would, ordinarily, be good news. But it is also worth noting that – for 22/23 - having an executive scrutiny protocol does not, in itself, correlate to better or more impactful scrutiny. In fact, the correlation between the presence of an executive scrutiny protocol and other measures which to us suggest more effective scrutiny arrangements is much weaker this year.

## Why might this be?

We have looked separately at the way in which councils are developing and agreeing executive-scrutiny protocols, as well as drawing on free-text responses provided by survey respondents. There is a tendency for protocols to look like "off the shelf" products – there is a distinct similarity between many, and we know that some councils have transposed or lifted large elements, or the whole protocol, from other authorities.

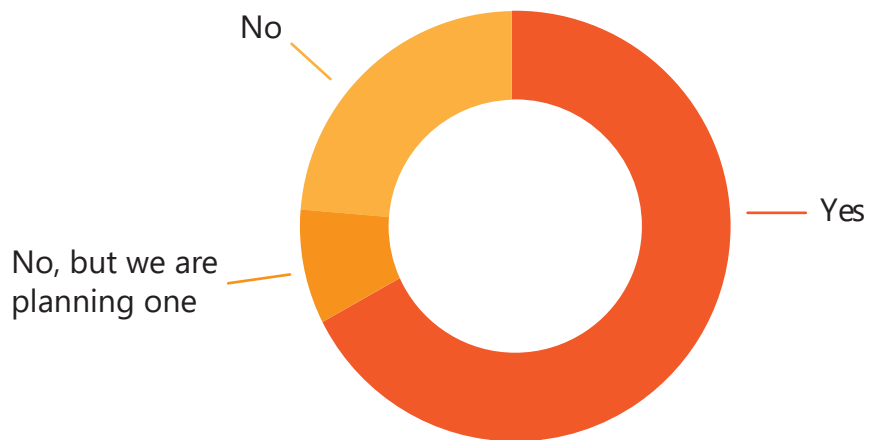
The problem with this approach is that, as we have commented in material such as "The good scrutiny guide" (CfGS, 2019), the real value of the adoption of a protocol lies in the process involved in its preparation. The conversations – discussions of mutual expectations, clarifications of roles and responsibilities need to happen, and short-cuts cannot be made. While it may seem easy to cut and paste from elsewhere unless the principles behind a protocol have been understood and internalised, it may as well not be there. Worst case, it ends up causing more antagonism – accusations that the protocol has been "breached" and demands for formal consequences, on both sides. This kind of discourse creates significantly more heat than light.

## Executive scrutiny protocols



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## All responses, 2022-23



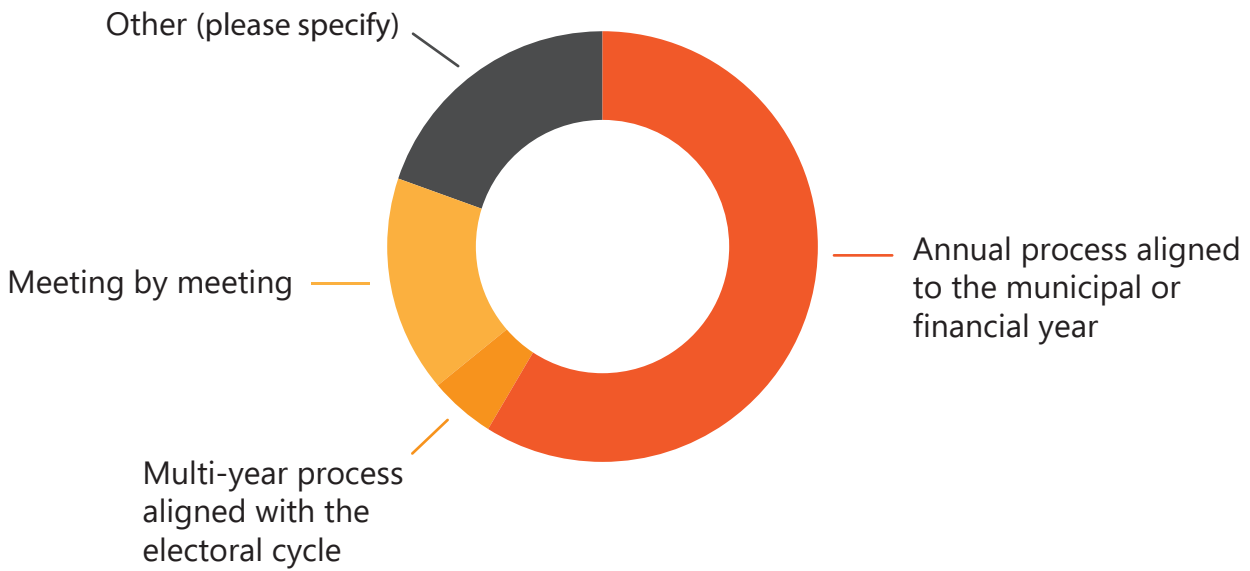


# Work programming

There remains a lot of variability in how councils develop their work programmes. CfGS and others have in the past suggested an approach that is more planned and focused, rather than one where topics are suggested meeting by meeting. Comparison between last year's and this year's results suggests a trend in this direction although we think that it is more likely that the change is due to a different sample, and is not significant.

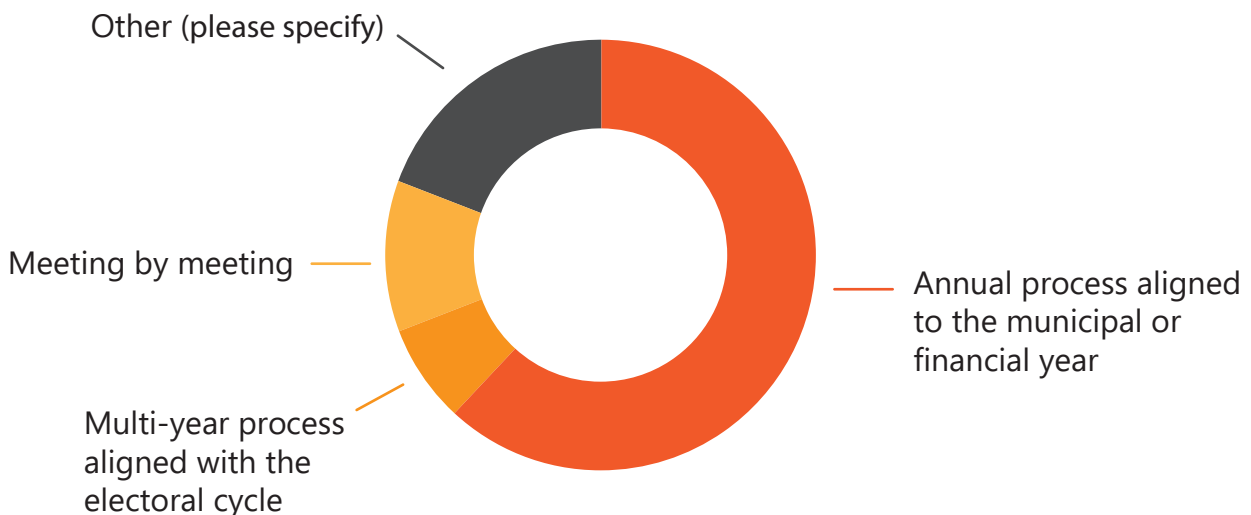
The model of work programming does make some difference to the overall effectiveness of scrutiny. Although the number of councils planning work meeting by meeting is proportionately small, these councils do tend to be those where fewer recommendations are accepted and implemented, and where respondents were less confident in scrutiny's ability to have an impact on financial and commercial matters. They were also substantially less positive about the culture of scrutiny in their authority, and less confident about the future of scrutiny in their authority.

## 2021-22



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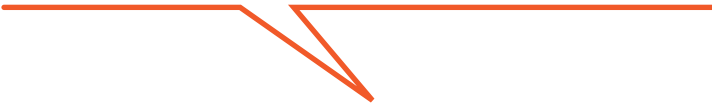
## 2021-22




## How councils do it

In reality there are a large number of different approaches to work programming – some of the more common, as described by respondents to the survey, are set out below with our comments.


**“All scrutiny is pre-decision scrutiny, with all Exec decisions first being considered by one of several scrutiny committees, which broadly align with cabinet member portfolios”**




Some councils find significant benefit from funnelling decisions through scrutiny before they go on to Cabinet for approval. This approach bears close similarity to what we have termed “hybrid” governance arrangements – where the Leader/Cabinet model is altered to incorporate aspects of committee system working. In this case, it is about cross-party debate on decisions before they are made.




This approach can however be resource-intensive and is not guaranteed to be impactful, given that Cabinet remains the legal decision-maker. We have found that often councillors in authorities operating this model become frustrated with scrutiny’s inability to effect change, but find it difficult to give up the regular pre-scrutiny activity – it offers something immediate and tangible in respect of member decision-making, even if outcomes may be more difficult to find.



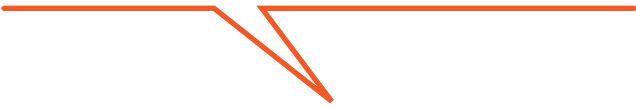
**“Some scheduling of annual/regular items year-on-year, plus scheduling of items based on Cabinet reports on the Forward Plan, limited scope for Scrutiny-commissioned items on themes of choice”**



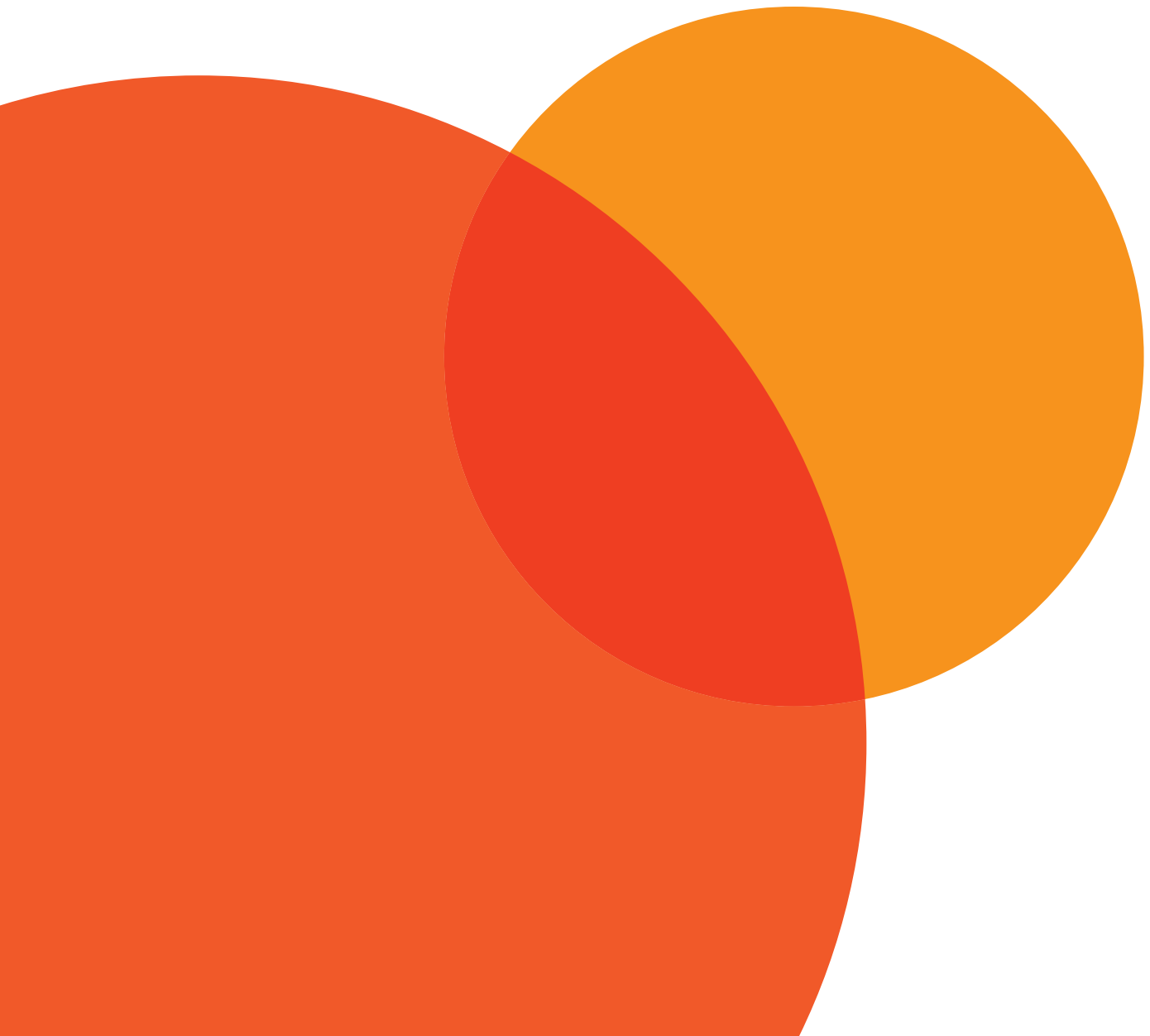
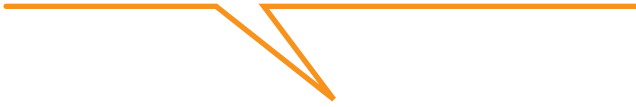
This is a fairly common approach – one anchored by ongoing corporate activity and regular “updates” on matters of importance. There are benefits to this – alignment with executive decision-making, consistency and predictability – but it risks a lack of flexibility and a duplication between scrutiny’s work and the work of others. In particular it risks scrutiny being unsighted on emerging matters that might not be on the executive’s radar.



**“We have some meetings that are annual (ie financial budget, carbon budget) and the others are meeting-by meeting but arranged several months in advance. We are obliged to have a 6 month rolling forward work programme. We only have one topic (or occasionally 2) per meeting.”**



**Rolling work programmes provide some flexibility – limiting the number of items on committee agendas means that what is discussed can be gone into in more depth.**

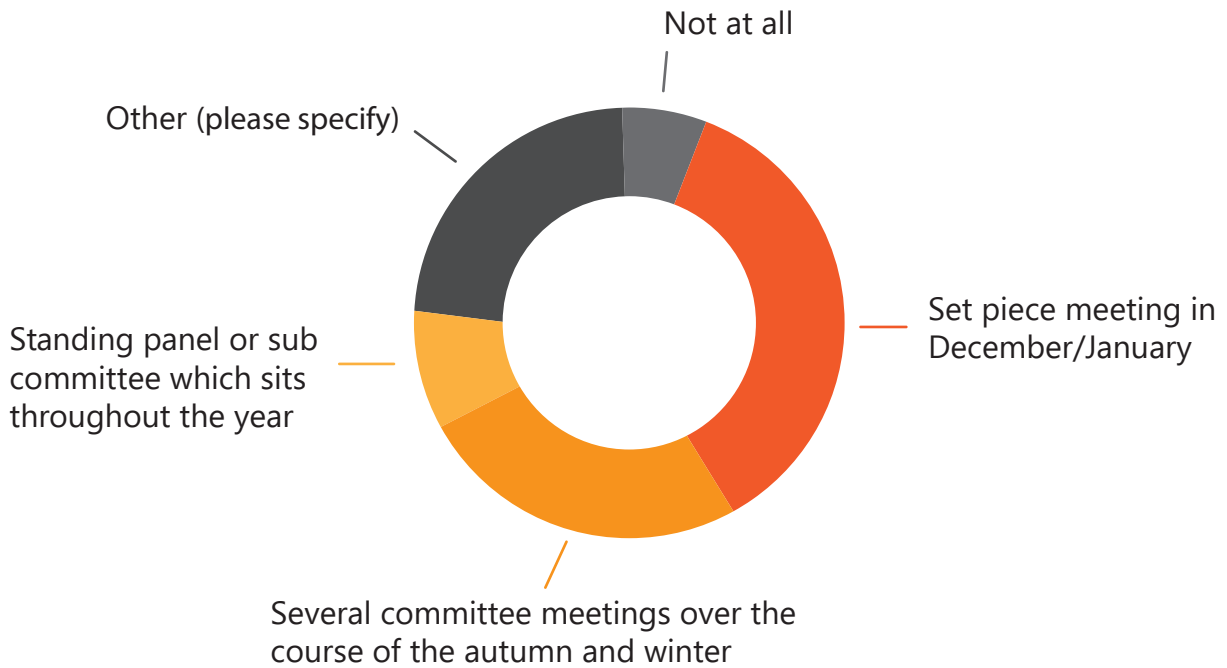


# How scrutiny reviews the budget, and carried out financial scrutiny

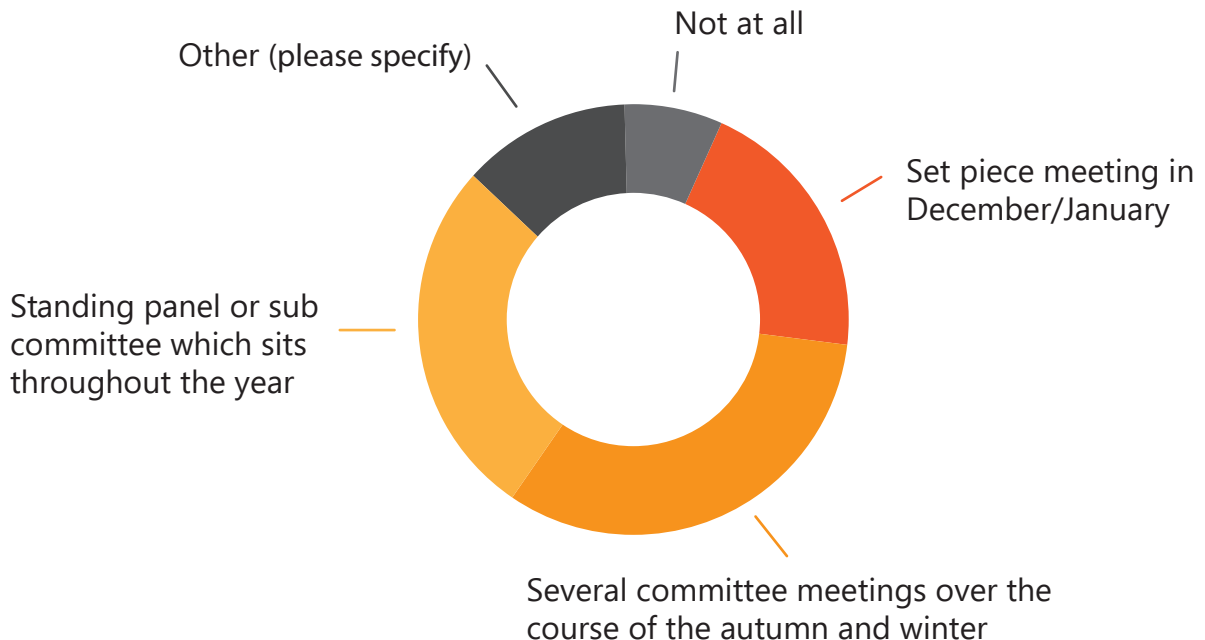
There has been no material change in the proportion of councils adopting different methods for budget scrutiny between 2021 and 2022.

When we talk about “budget scrutiny” we mean the process for considering draft budget proposals before they are approved by full Council as part of the Budget and Policy Framework, which usually happens at the end of January or beginning of February.

## All responses, 2022/23



## (Those reporting themselves as “extremely confident” in ability to carry out financial scrutiny, 2022/23)



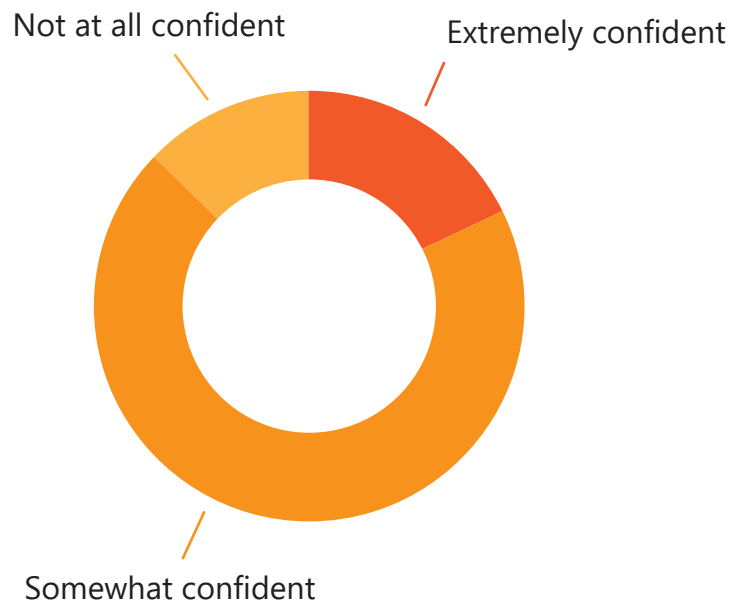
Although the number of respondents “extremely confident” in their ability to transact financial scrutiny was, proportionately, quite small, it is clear that a greater proportion of these councils tended to carry out financial scrutiny through a panel or sub-committee which meets throughout the year. This is an approach that we have tended to recommend in previous research and guidance. These councils are significantly less likely to carry out budget scrutiny by way of a single set piece meeting late in the process.

Those councils carrying out budget scrutiny in this way tended to share other features in common with councils carrying out effective scrutiny more generally. This form of scrutiny does require a degree of trust between scrutiny and the executive – it involves opening up early parts of the budget process to non-executive members in a way that could be seen as politically risky.

We have also asked about how councils carry out financial scrutiny more generally. This includes scrutiny of in-year financial performance, and delivery against the current budget. It is an area that has persistently been seen as a weakness for scrutiny; CfGS has published a range of guidance on financial scrutiny in the last few years and plans a further publication, aimed at councillors, later in 2023.

There is a year-on-year increase in confidence in ability to conduct financial scrutiny. Most respondents now say that they have confidence in their council’s ability to do this work, a slight improvement on both 2021-22 and a significant improvement on previous years.

**(All responses)**

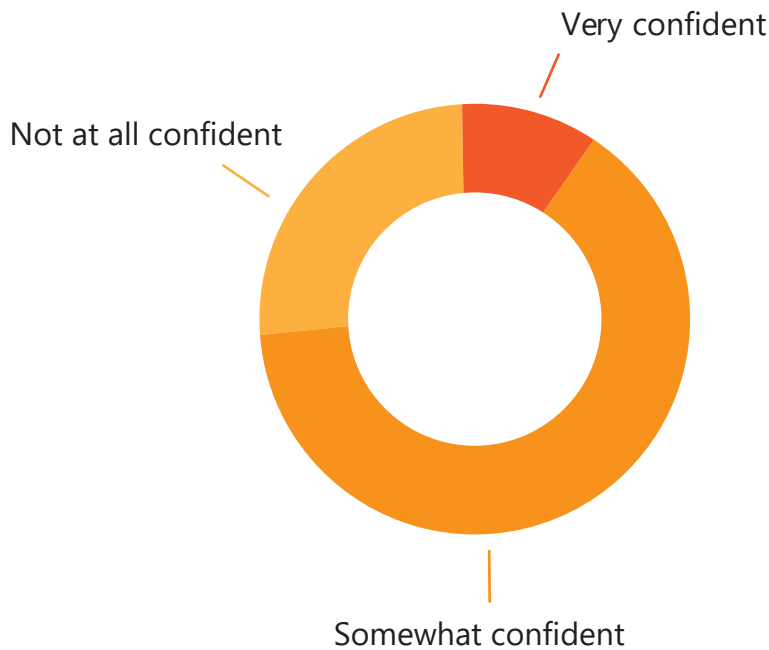


We asked people what would make financial scrutiny more effective. Consistent activity throughout the year, a more clearly defined role for scrutiny, and better access to information, were all seen to be more important. However, only a comparatively small proportion of people cited better links with the Audit Committee as important – a worry, given that we (and others) feel that these links need to be bolstered in order to provide for robust financial governance.

We also asked about confidence in ability to scrutinise commercial activity. This is activity that councils engage in to bring in income (with that activity usually pursuing public policy objectives that benefit the wider community as well). Trading activity might be undertaken in many forms – joint ventures with other councils or organisations, wholly-owned companies or ventures and services carried out through alternative delivery vehicles. What these all have in common is the difficulty that scrutiny can experience in getting hold of information about this activity, and when it has that information, being able to interrogate it effectively and intelligently.

Commercial activity is currently seen as to be a significant risk and pressure for the sector. Our survey suggested that councils have a degree of confidence in such scrutiny which is roughly similar to what was reported in 2021/22. Three-quarters of councils have some confidence in their ability to scrutinise commercial activity. Anecdotally though we know that a large minority are worried about the extent to which scrutiny is sighted on commercial matters. Officers and councillors are able to get hold of information on these issues but worry that it does not present the full picture. Commercial confidentiality is less used currently as an excuse to “push away” scrutiny, but the overlapping responsibilities between scrutiny and councils’ audit function can make the scrutiny function reticent about acting here. We plan further work on this topic later in the year.

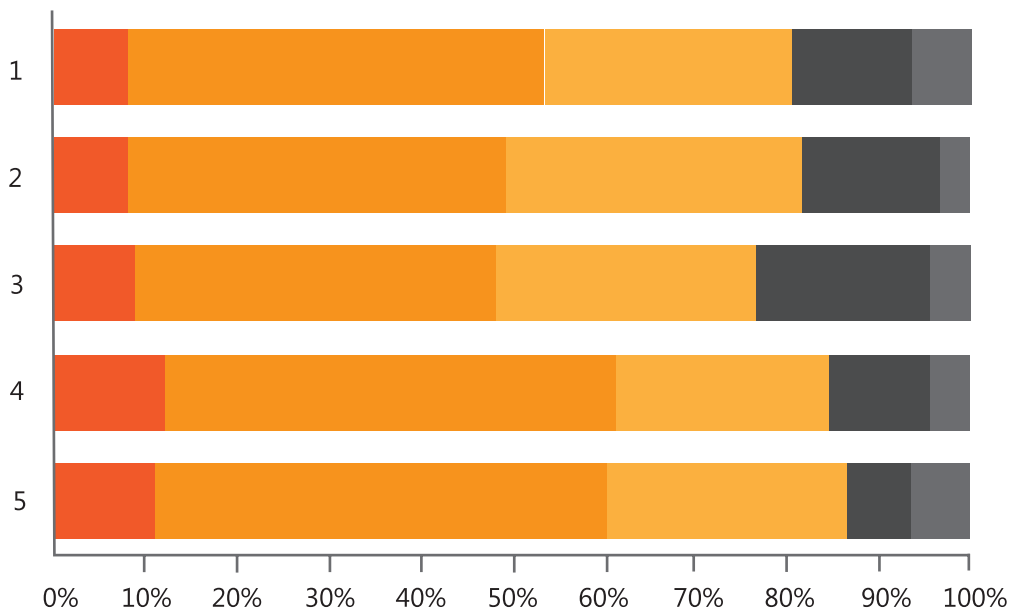
### Confidence in ability to scrutinise commercial activity (All responses)



# The future

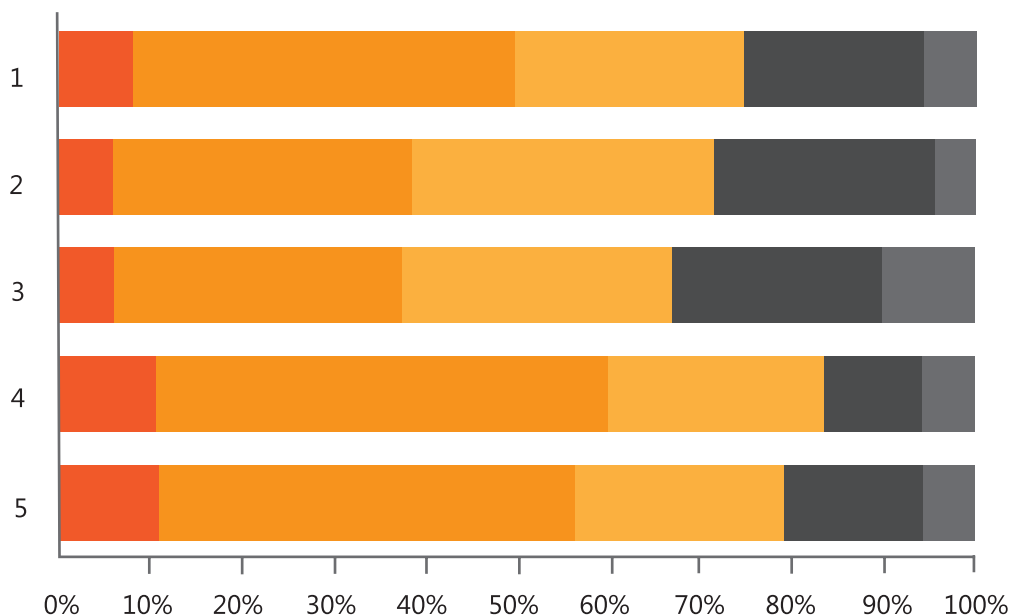
We wanted to understand, overall, whether people felt positive and negative about the future of scrutiny. Knowing this helps us to understand where and how we can direct our support more effectively.

## To what extent do you agree/disagree with the following statements about the future? (2022/23)



- 1. Scrutiny is well placed to tackle the big challenges that this area faces**
- 2. Scrutiny is able to easily follow the 'council pound'**
- 3. Scrutiny is able to engage well with new ways of working for example the setting up of joint ventures, of alternative delivery vehicles**
- 4. Scrutiny is well placed to understand and act on the current and future concerns of local people**
- 5. The future for scrutiny in this area, overall, is positive**

**To what extent do you agree/disagree with the following statements about the future? (2021/22)**



**1. Scrutiny is well placed to tackle the big challenges that this area faces**

**2. Scrutiny is able to easily follow the 'council pound'**

**3. Scrutiny is able to engage well with new ways of working for example the setting up of joint ventures, of alternative delivery vehicles**

**4. Scrutiny is well placed to understand and act on the current and future concerns of local people**

**5. The future for scrutiny in this area, overall, is positive**

Generally, respondents with politically balanced chairing reported more positivity on these statements in 2022/23; councils with other features consistent with "effective scrutiny" – as we noted above – tended to be more positive overall.

What is notable about the difference between 2021/22 and 2022/23 is the shift in confidence around financial scrutiny (in particular, the ability to follow the 'council pound' and scrutiny of new ways of working (which includes some commercial activity) – this reflects some of the findings we set out in the last section.



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