

Chairing and Leadership in Scrutiny



Skills Briefing 2

August 2011

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Introduction

This briefing is the second of a series of four CfPS briefings exploring the skills and knowledge needed by elected or lay members to carry out their roles effectively. This paper will specifically explore the role of the chair in leading the discussions and deliberations within the scrutiny process. The purpose of this paper is to provide scrutiny chairs with an idea of how to carry out the various aspects of the job as a chair. Examples of performance are given to help illustrate how the process works.

The chair of a scrutiny committee should seek to provide, through strong leadership, a good environment for the constructive challenge of decision-makers. The chair should foster discussion and encourage all concerned stakeholders to be involved in the process, whilst ensuring that all opinions are expressed in a constructive manner that contributes to the intended outcomes of the process. The chair is also responsible for ensuring that the scrutiny process – within and outside the context of formal committee meetings - is managed in a way that creates a fair and balanced environment, keeping the scrutiny process free from political point scoring and allowing for the effective scrutiny of all evidence that is produced.

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1. Making an impact through effective work programming

- 1.1 We cover work programming in detail in our publication, “A cunning plan?”, published in early 2011. However, we will briefly cover the role of the chair, as a leader in the work programming process, in this briefing, as it is fundamental to the overall success of scrutiny.
- 1.2 At the beginning of the year, a chair will need to consider what his or her committee will look at over the next twelve months. This decision should be reached in consultation with other members of the committee, but these discussions will need to bear a number of key principles in mind – principles that the chair will need to highlight.
- 1.3 In brief, the chair will need to ensure that all work being delivered by the committee, or panel:
 - Makes a positive impact on services;
 - Promotes good practice;
 - Challenges underperformance;
 - Acts as a catalyst for change;
 - Deals, where appropriate, with relevant partnership issues.
- 1.4 These are not “criteria for the inclusion of items on a scrutiny agenda” – they are more general principles that can act as a guide in deciding whether or not something is deserving of scrutiny’s time. While individual authorities will often have their own ways of assessing whether scrutiny’s time should be spent on a given topic, it will take the skill and experience of a chair to bring to that process a strong steer towards the need to bring about outcomes, and to enhance the effectiveness of the scrutiny function. Arguably, it is this agenda-setting skill which is the most important influence that a chair can bring to the scrutiny function. This influence should be embodied in a successful and targeted work programme.
- 1.5 The work programme will set out plans for topics that will be discussed at the meetings during that year, or dealt with through the means of a task and finish review. The exact procedure used for selecting items worthy of study will vary from council to council. It is often a multi-stage process, involving initial long listing of various possible topics, before the preferred topics for scrutiny are finally selected. Some topics will fairly obvious contenders to be on a long list, for example:
 - There could be some on-going follow-up investigations based on previous scrutiny work. Whilst “project creep” is to be avoided, there will be times where an on-going investigation could be usefully extended, or a recently completed piece of work revisited.
 - There might be public consultations being undertaken by central government or providers of public services that could be usefully responded to.

- There might be set dates in the council calendar that will influence the scrutiny's panel deliberations, e.g. the setting of the council's budget in February or March.
 - There could be issues deserving of discussion on the Council's Forward Plan, its business plan, the business plans of the Council's partners or other important strategic decisions which are being prepared over the course of the year, and into which scrutiny can feed.
- 1.6 Some councils will schedule specific timeslots for the long listing to take place, such as during an away day session in which the sole aim is to present ideas for scrutiny topics. Alternatively, it might be felt that having a round table discussion will enable members to interact and to formulate a comprehensive list of suggestions. The chair should encourage all councillors to contribute in the long listing process, emphasising the importance of joint working to make the scrutiny process as effective as possible.
- 1.7 The chair will be aware that the overall strategy for the scrutiny work programme, which emerges from this process, will need to have a firm sense of direction. There will probably be a large number of topics that could be covered within the remit of a scrutiny panel. It is far better to concentrate on a few specific areas rather than trying to cover everything. As the process moves from long listing, to short listing, to final selection items, the role of the chair is crucial. He/she will need to mediate between the competing pros and cons of individual topics, as expressed by members of the committee and as suggested by other evidence – equally, the Chair will need to adopt a self-critical approach in assessing the issues that he or she might personally want the committee to discuss. In doing the above, the chair will often, but not always, have the assistance of an officer who can provide advice or guidance. Mutual trust between the officer providing support to the scrutiny committee and the Chair will be crucial in ensuring that advice can be given and received candidly and accurately.
- 1.8 The role of scrutiny is to undertake thorough examination so that ways of improving the organisation's services and procedures are established, in a targeted way. Doing this properly means that scrutiny won't be able to look at everything – the committee, or panel, should not concern itself with investigating single ward-specific issues (although these may constitute used pieces of evidence as part of a wider review) or tackling everything on the authority's Forward Plan. Prioritisation is the key.
- 1.9 More detail on work programming can be found in our research, "A cunning plan?", which was published in early 2011 and is available on the CfPS website.

Using the forward plan and business plans

- 1.10 Most councils publish a forward plan indicating which “key decisions” are going to be made by Cabinet, or Cabinet Members, in the next three months. A key decision is defined differently in different authorities – for example, it could be that a key decision has to affect three or more wards, and involve expenditure above £100,000.
- 1.11 Councils usually also produce annual business plans and improvement plans, along with other programme management documents which can help you to get an idea of which key decisions are going to be made in the near future. A chair of scrutiny might wish to consider which papers could benefit from pre-decision scrutiny. This will involve reaching a balance between long term planning in the annual work programme, and in-year issues arising from the forward plan, business plan and improvement plans. The chair should also be considering upcoming decisions, which might be made in six months or nine months time that might benefit from scrutiny’s involvement at a very early stage. Building a constructive relationship with senior officers and the executive can help scrutiny get early warning of future issues of interest
- 1.12 There is also a process for a scrutiny committee to examine Cabinet decisions before they are implemented. A process of “call in” allows a scrutiny panel to question or challenge a Cabinet decision. While the power to generate a “call in” is generally devolved down to individual councillors rather than being within the chair’s remit, a chair might wish to consider if this procedure is being used proportionately, particularly if the committee is considering call-ins on a frequent basis. Call-in is a useful tool, but can be a blunt one, which often succeeds in delaying a decision without changing it. The chair might try and consider encouraging more constructive pro-active forms of scrutiny, or working with the executive to develop more effective means of pre-decision scrutiny that minimise the potential for call-ins to be brought.
- 1.13 Inevitably some scrutiny topics will be reactive, rather than proactive. There could be great public interest in a certain topic, possibly after substantial press coverage. There might be a clamour for a detailed investigation into a particular issue, which a scrutiny panel could deliver. As chair, when dealing with contentious matters, it will be important to ensure effective terms of reference are drawn up that enable public examination to get to the heart of the concerns. Equally, the consideration of performance, finance and risk information (which the council produces as a matter of course, and which scrutiny can examine when considering which issues to focus on) could reveal an issue which has a low public profile, but nevertheless deserves investigation.

Party politics and developing a consensual approach

- 1.14 If scrutiny is to be at its most effective, becoming a ‘critical friend’ of the Cabinet, it is important that scrutiny stays separate from party politics.

- 1.15 Scrutiny's remit is neither to act as an appreciation society nor to provide political opposition for the council's cabinet. It works best if it is able to side step the dividing lines between political parties. Scrutiny is, and always should, be regarded as a party politically impartial forum.
- 1.16 This is not to say that scrutiny members should be encouraged to think and act apolitically. Councillors are elected as politicians and it would be unreasonable to expect them to leave their points of view, values and beliefs at the committee room door. Issues being discussed by scrutiny will be inherently political. The skill of the chair lies in his or her ability to channel political debate in such a way that it is evidence-based, positive and constructive, rather than antagonistic and prejudiced. Of course, this is not to say that there will not be circumstances where a combative approach will be appropriate. But the chair must develop, and utilise, careful judgment in directing how political debates happen, particularly in preparation for meetings.
- 1.17 The role of preparation before a meeting can not be overstated. For scrutiny to fulfil its role as a critical friend to the executive, it needs to act in a methodical and systematic manner. As chair guiding the process, the best way to ensure the process works in the right manner is to start in the right manner.
- 1.18 Before the meeting starts, it might be helpful for the chair to have informal discussions with members of the committee to see what they expect to get out of the meeting. A pre-meeting might also be used to collectively agree a line of questioning and develop a joint cross-party approach. The chair should look to actively encourage greater input from any members who have previously contributed little: to aid with this it may be helpful for the chair to remind members that they are not expected to be experts in the field. Indeed, any lack of specialist knowledge, particularly amongst new members, should be seen as a strength, bringing a new perspective to the process. Only through asking questions will the committee be able to build its knowledge on an issue.

2. During the meeting

Timings and conduct of meetings

- 2.1. Meetings are not open-ended, and there will be a limited amount of time to transact the business of the committee. The chair is responsible for leading the committee through the agenda, keeping a strong focus on the objective of each item and on these timing constraints. A chair also needs to be aware that short, sharp discussion of key issues will often work better than long, protracted ones. Some chairs have chosen to adopt timed agendas, which give a particular length of time to each item.

- 2.2 It is important that scrutiny meetings are organised to be as convenient as possible for local people, in terms of both location of timing. There should be no reluctance to move meetings out of the Town Hall or council buildings if that enables greater participation – so long as the objective in doing so is clear. A scrutiny committee, and particularly a scrutiny task and finish group, should be outward looking, trying to engage with the widest number of people possible in a focused way. However, it is important to recognise that choosing a different location may involve an additional financial cost, and additional burdens on democratic services or scrutiny officers. You will need to balance the pros and cons in each individual case.
- 2.3 The chair will be aware that scrutiny meetings are relatively formal, with rules of procedure laid down in advance. As a public meeting, operating within a council structure, it could not be anything else, but this does not mean that discussions need to be stilted or buried in legalese which makes it difficult for the lay observer to understand what is going on. At meetings with notable attendance from members of the general public who are often unfamiliar with the rules, it will be helpful to give some brief explanation of how the rules impact on debate, and to be aware of the public's expectations of the meeting as it progresses.
- 2.4 Members of the public may be presenting evidence and views on the topics being discussed. A chair will need to ensure that such contributions stay "on topic" and that scrutiny panel members weight different sources of evidence appropriately.
- 2.5 Task and finish groups are less formal as they are not bound by the legislation that defines how council committees operate. An imaginative chair can use this as an opportunity to do things that might not be possible at formal committee, for example, more public involvement or group working. Task and finish groups also provide an opportunity to take a more flexible approach to co-option of external experts of people with a particular perspective to contribute.

Attendance and participation at meetings

- 2.6 The chair will generally have little say on who sits on their scrutiny committee but may be able to influence who sits on their scrutiny task and finish groups. The appointment of the councillors to the scrutiny committee will be determined by the political groupings in the council. Each political grouping will be entitled to numbers on each committee that are proportionate to the number of councillors in their full council group. A chair should be prepared to work with party whips to try to ensure that those selected to sit on the committee have a genuine interest in the subject matter under discussion.
- 2.7 In terms of group coherence, as chair, the way to get the best out of each of the members of the committee is to regard everybody as a

combined team – the chair should be alive to the possibility of one viewpoint or person “dominating” discussion. A more collegiate approach, bringing in other members to tease out alternative opinions, will be useful. Planning lines of question and sharing these out in advance can help with this.

- 2.8 For the chair to get the best out of their team, it follows that everybody on the committee should be aware that they have a part to play. As chair you should seek ways of encouraging everybody on the committee to contribute. This does not mean everybody speaking on every item. Conversely this does not mean delegating specific items just to one person. It means getting a balance right to ensure each agenda item is seriously examined and that none of the committee members is seen by the general public as just being there to make up the numbers, or feels excluded from the debate. Different members will have different areas of interest. As chair you should get to know your committee members and understand where these interests lie, so that you can make the maximum use of everyone on the team.
- 2.9 For certain scrutiny committees, external stakeholders (non-elected representatives) may be co-opted, e.g. parent governors and diocesan representatives are appointed to attend and speak on matters concerning education in county and unitary authorities. Co-optees may however be appointed to any committee – although it should be recognised in doing so that, for the purposes of political proportionality, they will be counted as opposition members, and the size of the committee increased accordingly with more ruling group members. As such there may be more logic in engaging with them in task and finish groups rather than through committee.
- 2.10 Co-optees will have specialist knowledge and understanding, yet their mandate, experience and interest will be different to that of an elected member. As chair you will want to ensure that their professional opinion is respected and considered properly, and that they are encouraged to take an active role in the group’s work. When dealing with co-optees at scrutiny committees it is important to recognise that their experience and knowledge may extend to quite a limited area of policy. As such they may need particular support in playing an active part in the process: the chair should be able to create the enabling environment that allows this to happen, and to recognise any possible limitations.
- 2.11 During the course of a year individuals from outside organisations will attend to give presentations and answer questions. The chair will need to ensure that prior to attending the meeting the external contributors know what is expected of them and the length of time that is being allocated for their evidence (where relevant).

Controlling outside influence including from Cabinet executive members

- 2.12 During the course of the year cabinet members and council officers (beyond designated scrutiny officers and those clerking the meeting) will attend scrutiny meetings as invited visitors. The meetings will work best if all parties are totally aware of their different roles. Scrutiny members will use the meetings to seek, gather and evaluate evidence. Cabinet members and council officers will be there to help in this work, being able to answer detailed questions. The scrutiny meeting is likely to start with a written report, on which cabinet members and council officers might wish to add comment. Scrutiny in some councils has adopted the practice of not permitting officers or executive members to speak to reports, instead going straight into the questioning session. This is intended to minimise the risk of an “officer presentation” on a subject from using up all the available time. Certainly, even if this approach is not taken, members of the committee should be given the maximum amount of time to properly ask questions of whoever is presenting the report on the day.
- 2.13 At all stages of the meeting the chair will need to ensure that discussions stay on track and do not stray off at tangents. It might be that matters of interest are raised, but if they are, then these new matters may warrant an agenda item on their own at some future stage and should not be allowed to sidetrack the current meeting. The chair should have, and maintain, a clear idea of the aims and objectives of the current meeting and these should guide the discussion taking place.
- 2.14 Whipping, or political management, of members is not technically forbidden at scrutiny (although it is about to be prohibited in Wales, and guidance issued by the Government when overview and scrutiny was introduced warns strongly against it). However, it should be discouraged. Whipping can be formal (where a member has been directed to say, or not say, something), informal (where members have been advised that a particular approach will commend them to the party’s leadership) or entirely internal (where a member makes a judgment that exercising discipline over their own comments will bring some political advantage). These issues should be seen in the context of the comments made above regarding party politics. The better the relationship between the administration and the opposition, and between executive and scrutiny, the less likely it will be that the whip is imposed. The Chair should ensure that all members know about the need to make a declaration when the whip has been applied.
- 2.15 At the end of an agenda item’s discussions, the chair should ensure that the discussion is summarised fairly. The chair should ensure that any recommendations or conclusions reached by the committee are clearly defined, understood by all committee members and communicated well. It might be that the recommendations are not agreed by all, that issues were not resolved and that future progress can only be determined by a formal vote. This is very unusual, however. The chair should work to ensure that the business of the

committee, when considering an item, leads towards a natural and substantive conclusion, rather than petering out or remaining without agreement.

3. What happens at and after the end of the meeting?

- 3.1 The end of the meeting should not mean the end of meaningful discussions. Each of the agenda items should have been brought to a conclusion. What happens next will depend on the nature of the agenda item. A good rule of thumb to take is that in no instance will it be appropriate that a report is merely “noted” without further action being taken.
- 3.2 If the agenda item was a presentation by an outside organisation, who were seeking comment and guidance (for example, on a developing policy), then having the meeting should go a long way to satisfying those criteria. Under these circumstances the chair may feel it is appropriate to make specific recommendations to the organisation in question, based on the committee’s discussion.
- 3.3. If an agenda item was part of process of an investigation or review by the scrutiny committee, or was one of a number of task and finish meetings, then the chair should be aware of what has been achieved so far and what the next steps will be. What will the next meeting discuss? How can evidence gathered at this meeting feed in? Does any further research work need to be undertaken by specific members or officers? Generally speaking there should be a presumption against repeat items on committee agendas. If an update is required, it should be provided off-line.
- 3.4 The key output of any more detailed investigation or study is the production of a report. This report is the key means by which scrutiny exerts its influence and as such it is particularly important. As chair you will be ultimately responsible for this report, although it may be written by officers on your behalf. The report should indicate the process of the study, and lead to firm recommendations or conclusions. The chair should be satisfied that any recommendations are SMART; Specific, Measurable, Agreed, Realistic and Timed. This will make it easier to evaluate and review their progress in six months or a year’s time.
- 3.5 If a report has been produced by a scrutiny committee the chair will be the most obvious owner of that report. If it is a report to the council’s cabinet, the chair should verbally present the report to cabinet, rather than a support officer.
- 3.6 If recommendations have been accepted, it will be important to put some form of monitoring in place to oversee the implementation of these recommendations. As the person ultimately responsible for the report the chair should be active in helping drive the changes

suggested into action. We explain more about this process in our briefing on running a scrutiny review.

4. What style of leadership is best for scrutiny?

4.1 Chairing scrutiny is a leadership role like any other. It is important that the chair has the ability to be reflective about the environment in which they operate. As in other roles, effective leadership in this context requires self-awareness, the ability to recognise capabilities and to identify opportunities for improvement. However, there is no one correct model which is used universally by chairs when it comes to their leadership style and approach. Whilst some chairs use theoretical models to influence their leadership styles, such as John Adair's model of task, team and self, the theory of transformational leadership or Myers Briggs Type Indicators, others will use more personal role models as the basis for their own actions. The style and approach taken to leadership by chairs is likely to be highly personal, a matter of combining personal preference and personality. It is because of the unique and personal nature of leadership that this paper will identify below some of the key characteristics and considerations which may be evident in effective leaders, rather than attempting to outline a specific universal 'leadership blueprint'.

4.2 A key consideration for chairs is to tailor their approach to different situations. This is termed 'situational leadership'. Situational leadership simply means that it is likely that an effective scrutiny chair will have to adopt different leadership approaches when dealing with different circumstances or stakeholders. Different approaches are:

- Telling – a one way process, giving orders;
- Selling - persuading others to follow in the direction suggested.
- Participating - sharing in the decision making approach.
- Delegating - suggesting others make the decision and take the responsibility.

A good example of varying the style will be during meetings. The chair may have to vary the number or style of the interventions he or she makes to ensure that the time of the meeting is being used efficiently and that the objectives are being met.

4.3 Not all leaders will react in the same way to all situations. Whilst it may be appropriate for the chair to have thought about and to have prepared for a number of different scenarios, in terms of the appropriate approach they may take, in the event the chair must react in the way that best suits their own strengths and weaknesses. This will result in a more effective scrutiny process and will lead to more effective outcomes.