

# Practice guides: introduction

## Overview of scrutiny



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**This is an overview document for the practice guides produced by the Centre for Public Scrutiny to assist those working in the overview and scrutiny functions of local authorities.**

### **What is this guide about?**

This guide provides an overview of the basic powers available to scrutiny, and signposts to some of the other guides that CfPS has produced to provide an introduction to the overview and scrutiny function in local government.

### **What can scrutiny do?**

Councils which operate “executive arrangements” (those who have a leader and cabinet, or an executive mayor) must have at least one overview and scrutiny function. Other councils – generally those with a committee system form of governance – may have such a committee, but do not have to.

Scrutiny committees have powers to require council officers and councillors to come and give evidence to them, to require information from the council. In this context, scrutiny committees have rights similar to the information rights that individual councillors possess (which can be found in the [Local Authorities \(Executive Arrangements\) \(Meetings and Access to Information\) \(England\) Regulations 2012](#)), <http://ow.ly/wkwCb>) and the right to require a response to any recommendations that they may put to the council’s executive. These powers can be found in the [Local Government Act 2000](#) (<http://ow.ly/wkxuV>)

Scrutiny committees also have powers relating to NHS bodies in England (guidance from CfPS can be downloaded at <http://ow.ly/wkx4u>), Community Safety Partnerships in England and Wales (guidance from 2009 can be downloaded at <http://ow.ly/wkxaG>) and a different range of other partner organisations in England and Wales.

More information about all of these powers can be found in the CfPS publication “Pulling it together” (<http://ow.ly/wkxOj>)

While scrutiny committees can make recommendations, they cannot compel anyone to do anything. Their principal power is that of influence – they can advise and recommend.

### **What are the building blocks for good scrutiny?**

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## Effective work programming

Councils usually have an annual work programme either for the whole scrutiny function, or separate programmes for each committee. Better work programmes tend to have clear criteria for the inclusion of items on agendas, and subjects for further investigation. We produced a guide to effective work programming called “A cunning plan”, which you can find at xxxxxxx.

## Positive attitude of the executive and council officers

To work well, scrutiny needs to be encouraged and signed up to by the authority’s executive. If Cabinet take a negative view of scrutiny and its role, and act defensively when scrutiny seeks to make suggestions, scrutiny’s effectiveness will be reduced. As such, scrutiny’s success rests as much on the attitude of the executive as it does on the skills and expertise of scrutiny members themselves.

Officers have a responsibility to provide advice to all members of the authority. The attitudes and behaviours of officers – their willingness to provide information promptly to councillors, to answer questions frankly and to provide assistance to scrutiny members as required – will define how successful scrutiny is able to be. In many councils officers in service departments now see scrutiny as an essential partner in improving services (with scrutiny in **Enfield** providing an example of this close working in practice - <http://ow.ly/wkAge>). The different perspective of non-executive members can help professionals to better understand local people, and to make more robust judgments about where priorities should lie.

## Positive attitude of scrutiny members

Scrutiny members need to be committed to making the function work. This is about ensuring that scrutiny is able to carry out constructive work that focuses on the priorities of local people (and that feeds into the priorities of the council and its partners).

Scrutiny councillors should not act in a party political manner. However, they can and should bring their political skills and unique understanding of the needs of local people to bear in their discussions – and they should also recognise that, by definition, scrutiny’s work will focus on issues that are of local political contention. The challenge lies in managing that contention in a positive way, rather than using it to further party political objectives. In 2009, Professor Steve Leach carried out detailed research for CfPS on party politics and scrutiny, which can be found at <http://ow.ly/wkABD> . We talk in more detail about party politics in **Guides 7 and 11**.

## **Where can scrutiny be carried out?**

### At committee

Committee meetings are formal, public settings. They allow the councillors who sit on them to take oral evidence, and receive written reports, from the council and external bodies. Committee meetings usually involve one or more substantive written reports being tabled on issues selected by the committee and its chair on the basis of the work programme. One or more witnesses – usually council officers or other councillors, but often representatives of other organisations or members of the public – answer members’ questions and may give presentations.

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There should be some kind of outcome from the consideration of any item at a committee meeting. Sometimes the act of scrutiny itself is the outcome – the exercise of democratic debate in a public forum, which may lead productively to change in the way that the council’s administration does things. It is more common however to think of “value” and “outcomes” as deriving from the making of recommendations. This value derives from having the confidence to make clear, unambiguous and challenging recommendations (**Hertfordshire** has a special member sub-group whose task is to monitor the implementation of such recommendations - <http://ow.ly/wkDqr> ).

### In task and finish groups

“Task and finish” groups are informal, usually small, and time-limited bodies comprised of councillors and, often, co-optees brought in from outside the council because of their specific skills and experiences. They are not mentioned in legislation, although most councils make provision for them in their constitution. The size of these groups varies but usually four to six councillors are involved; those involved tend to be selected by their parties’ whips, although some councils have more open processes.

The length of a review and its scope will define how frequently a task group meets, but it is usual to have at least one meeting at the start for planning, and one (possibly two) at the end to settle the report’s findings and recommendations. There will usually be a number of evidence-gathering sessions, using some of the methodologies that we mention in the section below. You can see an example of a typical council’s standard methodology for reviews at <http://ow.ly/wkFq6> (**Warwickshire**).

At the end of the process the task group’s report is submitted to the committee that commissioned it, for them to formally adopt and pass on to Cabinet (and/or other partners).

### **What methodological tools are at scrutiny councillors’ disposal to carry out good work?**

Scrutiny has an array of methods it can use to carry out its work.

#### Planning

- Many authorities use project management methodologies to “scope”, or plan, individual scrutiny reviews. Sometimes these are approaches developed by scrutiny officers, or corporate tools used by all officers in the council (such as this example - <http://ow.ly/wkHK1> - from **Sheffield**). Whichever system is used, planning is essential to ensuring that work is of a high quality;
- “Return on investment” (ROI) is a powerful tool which can be used to establish not only how effective past work has been, but how effective future work is likely to be – see CfPS’s own research on this in “Tipping the scales” (<http://ow.ly/wkLnV>) and “Valuing inclusion” (<http://ow.ly/wkLxd>)

#### Delivery

There are several principal means for carrying out a piece of task and finish work.

- “Scrutiny day” or “challenge panel”: this is a half day or full day session where scrutiny councillors, and others, come together to gather evidence on a topic and to make recommendations. This is the standard approach taken by **Hertfordshire** and is used by a number of other authorities;

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- Light touch review: this is a review of a narrow topic which might involve holding two or three evidence gathering meetings over the course of about a month;
  - Full length review: the traditional approach to scrutiny reviews in many authorities until quite recently, this sees members meeting periodically over the course of several months. The resource involved can be significant;
  - Standing panels: often used when scrutiny is shadowing a time-limited piece of work carried out by someone else – for example, the council’s budget preparation or a major NHS reconfiguration.

A range of different approaches to the gathering of evidence can be used to support each of this kinds of scrutiny project.

- Public meetings (like those carried out in **Boston** as part of their work on migrant workers);
- Surveys and focus groups (like work carried out by **Hackney** on young disabled people’s access to services). ;
- Round table discussions involving a range of experts (like the day-long evidence session hosted by **Gloucestershire** as part of their work on the Severn Estuary Scrutiny Commission);
- Site visits (**Northampton** has developed a brief protocol to define how these will be carried out, <http://ow.ly/wkPPR>);
- Publicising reviews and inviting public comment (like **Cardiff**’s review of the night-time economy);
- Desktop research carried out by officers;
- Desktop (or other) research carried out by individual councillors, who can act as “rapporteurs”, investigating smaller elements of an issue and reporting back to the larger group with their findings.

These methodologies can all be used within a broader approach to scrutiny which uses **appreciative inquiry**. This is a way of working which focuses scrutiny work on successes and opportunities, using these examples to put together a constructive vision for how things could be in the future. It is the subject of detailed research we have carried out, including a range of case studies from councils which have used it profitably. This research can be found at <http://tinyurl.com/pzdfeyu>.

### **What are the impacts, how can they be measured and what can you do with this information?**

It is important to know and understand the impact of work carried out by scrutiny. Carefully establishing the **return on investment** from scrutiny work is a key way to do this. Monitoring the implementation of recommendations as a matter of course (for example, returning to completed work after six months or a year to see what has happened) can be part of such an arrangement. Some councils use performance indicators to monitor the effectiveness of their scrutiny arrangements, although their efficacy has been called into question (see our research “Global challenge, local solutions”, <http://ow.ly/wkQgu>).

### **Scrutiny in committee system authorities**

Councils which do not operate “executive arrangements” (ie, councils who use a committee system to make decisions) do not have to have any overview and scrutiny committees, although they may if they wish. Evidence suggests that councils which have adopted a committee system, and where scrutiny has been retained, have seen scrutiny’s work focused more on the council’s partners – making use of the statutory functions mentioned earlier in this briefing – and on “horizon scanning” work which feeds into the decision-making and policy-making role of service committees. More information on scrutiny under the committee system can be found in our research “Musical chairs” (<http://ow.ly/wkQK6>) and the joint CfPS/LGA publication “Rethinking governance” (<http://ow.ly/wkQZM>).