

Questioning Skills



Skills Briefing 1

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This briefing is one of a series of CfPS briefings that explore key skills for scrutiny members. This paper will specifically examine the role of questioning skills in the scrutiny process.

Questioning is a crucial component of the “critical friend” challenge, an important principle of good public scrutiny. It is vitally important that whilst maintaining a thorough and purposeful challenge to executive policy-makers and decision makers that questioning of those under scrutiny remains constructive. The key to successful questioning is balancing the need to get answers with the need to build strong relationships. This can be achieved best by a combination of good preparation, knowing what questions to ask and when to ask them, and understanding which style is appropriate in every situation.

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1. Preparation

Scoping and protocols

- 1.1 In a scrutiny review, questioning sessions should not take place until after preliminary evidence gathering has been completed. Previous research will enable members to target their questions more effectively on the right issues. This approach ensures that time will not be wasted on finding answers to questions where suitable information is already readily available.
- 1.2 As part of this evidence gathering stage of scrutiny it can be useful to make comparisons with what has been done elsewhere. Scrutiny reviews from other authorities may yield useful evidence which may limit the need to formally question witnesses on issues of national policy or best practice. These comparisons can then be used to question witnesses more specifically on local issues.
- 1.3 Some of this may happen as part of the review scoping process. As the list of those people who could provide useful information is established, the order in which it would be helpful to summon them should become clear. At this stage it is worth thinking about the usefulness of having certain witnesses coming to be questioned together in joint questioning sessions. For instance a session involving both operational and financial matters of an outside organisation will probably require both financial and operational post holders to attend. It is likely that many of the questions asked of the organisation will be not completely compartmentalised so that both post holders will have something to say. The interaction of what both say will also be of interest to those scrutinising the organisation.
- 1.4 Generally speaking, a witness should only be invited if they have something to add. Proper research beforehand will help in this assessment. Some key issues to address will be:
 - How will speaking to this witness help us to achieve our objectives?
 - Will this witness be willing to help us?
 - Can we acquire this evidence from anywhere else?
 - Will it be necessary to balance this witness' views with the views of others, as part of the wider evidence gathering we carry out? (This should be approached with care. It is not a sensible approach to seek contrary views just to give the appearance of being more balanced. Opposing voices will be more useful on issues of particular local controversy, or where your research indicates a clear difference of opinion from a range of stakeholders).
- 1.5 For one-off, single agenda items, the approach to preparation will necessarily be different. Here, work will probably focus more on a pre-

meeting of the committee (if there is one), which will itself be based on a reading of any supporting material provided by the witness – an officer report, for example. This sounds like an intensive approach, but planning is vital to get the most out of a witness, even at a normal committee meeting. It lends support to the view that to maximise effectiveness normal committee meetings should involve the consideration of only a couple of substantive items.

- 1.6 It is important also to consider the role played by previously agreed protocols in the scrutiny process. In some authorities, agreements have been reached between scrutiny and the executive, and/or between scrutiny and partner organisations. We discuss these protocols in more detail in our skills briefing on working with partners, but possible content could include the role of pre-meetings, including how witnesses will be engaged with.

Pre-meetings

- 1.7 Pre-meetings can be a useful preparation tool. It enables members to agree (or at least to discuss) some lines of questioning that are to put to a witness or group of witnesses. It can enable members to agree who on the panel or committee will be asking the questions and the extent that supplementary questions will be put.
- Will questioning be organised by theme, with all councillors being allowed to come in where appropriate, and with the use of supplementary questions being quite tightly defined?
 - Alternatively, will the questioning be in a fairly free flowing format with the chair calling people to raise questions when they indicate they wish to do so? If this approach is adopted, it is still important that questions reflect certain key lines of questioning, to prevent the session becoming a series of unconnected and possibly irrelevant questions;
 - Should questions be open and exploratory, or more closed? This will depend on who the witness is – you may get more out of an external expert by asking open questions, for example.
 - What will happen if the witness proves unhelpful or evasive? It is unlikely, but it is sensible to have a strategy in place.
- 1.8 The panel may wish to decide whether the witness will be allowed to make a short presentation before questioning begins. Generally speaking, this should be avoided, as this is merely “information sharing” that can be dealt with before the meeting.
- 1.9 The pre-meeting also allows the final objectives of a particular meeting to be confirmed. It provides an opportunity to attempt to resolve any disagreements. Even if disagreements cannot be resolved, the fact that these disagreements can then be taken into account by the chair, who will then be in a better position to manage the situation in the meeting itself.

Giving information to witnesses .

- 1.10 Where witnesses are called, it may be appropriate to provide them with some guidance as to how the meeting will progress. This could take place through involving the witness in substantive discussions prior to the meeting regarding the evidence they will need to prepare. This approach will aid the witnesses' preparation for the meeting in order to ensure the best use of time. Involving the witness prior to the meeting will also ensure they can provide full and thought-through answers to all questions and helps to relax the individual. However, where this approach is either not preferable or perhaps feasible, then it could still be helpful to provide the witness with an idea of the questions they may be asked prior to the meeting.

2. How to approach questioning successfully

Open mind of those asking questions

- 2.1 The fact that many members of scrutiny committees will often not be established experts in the field being discussed should be seen as a key strength of the committee rather than a weakness. This position should not dissuade members from asking questions. Members should highlight to the witness the benefits, in terms of a different perspective, which they are able to bring to the scrutiny process.

Questioning techniques

- 2.2 There is no one 'right way' to go about questioning: a mixed approach should be adopted incorporating a variety of questioning techniques. How witnesses are approached will depend on the nature of the enquiry and the kind of witness.
- 2.3 Council officers, whose job descriptions include broad responsibility for the area being examined, will be familiar not just with the topic, but also with the style and nature of the scrutiny process. They would be more comfortable with direct questions than other techniques.
- 2.4 Organisations that partner with the council, e.g. police, health etc., are likely to be in fairly constant communication with the local authority. Being asked to provide evidence for a scrutiny investigation will be seen, for the most part, to be part of this partnership role. Officers from these organisations would expect councillors not necessarily to be very knowledgeable about the details of their role. They are likely to start answers with scene setting, talking around the issue. The skill of the scrutineer will be to avoid these witnesses getting into too much detail, which goes beyond the scope of the study, and instead getting the witness to focus on points that help the particular enquiry.

- 2.5 Members of community or pressure, groups are likely to have very detailed knowledge in the subject area where they operate. They will be only too keen to provide evidence, in the hope of influencing opinion and policy in their favoured direction. Some of these members will be very polished, having presented in the public arena many times beforehand. Others will have less experience and will need to be handled very gently to ensure that their knowledge and understanding comes out fully.

Questioning styles

- 2.6 The section below offers some tips on the different styles that can be applied to questioning, and suggest when they should be used¹:
- 2.7 **Open questions** – Open questions allow the witness open up and to share all the information they have. Encouraging the witness to elaborate early on will allow them to speak and will calm their nerves. This will help them to relax, and can be helpful in ensuring the witness will answer further questions in a more helpful manner.
- 2.8 **Closed questions** – Where a simple yes or no answer will suffice it is advisable to stick to closed questions (such as when checking a fact). Closed questions are harder to avoid and easier to challenge.

Useful phrases - 'Did you ...? Have you told.....?' 'What I think I'm hearing is... is that right?'

- 2.9 **Reflecting Questions** – These are used to clarify something which has been said, and/or to get the respondent to speak about a subject in more depth.

Useful phrases - 'You said that... ' You sound as if ...' I get the feeling that'

- 2.10 **Extending Questions** – Extending questions invite the respondent to offer more information, and to elaborate on what they have already said.

Useful phrases - 'How else could...?' 'Could you tell me more about..?'

- 2.11 **Comparative Questions** – These can be used when the scrutineer wants to compare situations (for example on a before and after basis)

Useful phrases - 'What has it been like since...?' 'What difference has ...?'

¹ The section on types of questions is an abridged version of work completed by Tim Young, CfPS Associate, 2008

- 2.12 **Hypothetical Questions** – The use of hypothetical frameworks allows the witness to answer a question from a safer theoretical position and may encourage them to explore issues more in-depth.
- 2.13 **Rephrasing or paraphrasing** – Another technique that can be used to clarify something that has been said by the witness, it may also encourage the witness to elaborate on their previous answer and provide more detail.

Useful phrases - 'Are you saying that...?' 'Let me see if I understand the problem completely...'

- 2.14 **Linking Questions** – Linking questions rely on active listening on the part of the scrutineer (see below). By linking previous responses offered by the witness to other issues the scrutineer is able to demonstrate that he has valued the witness's input. This technique may then encourage the witness to offer further explanation

Useful phrases-You mentioned earlier that...how would you....?

Questions to avoid:

- 'Double-bind' questions such as "Have you stopped massaging the figures?"
- Biased questions with an inbuilt bias towards a particular perspective. A respondent then either has to accept the bias or challenge it and this could lead to an adversarial exchange
- Leading questions that unfairly lead a respondent to a particular answer. Questions asking "What/When/How/Where" are not usually leading
- Questions which might produce 'yes' or 'no' answers (unless you are seeking a definitive answer)
- Tag questions (i.e.) that end with 'wasn't it/won't they/isn't it'. With these you could be making an assertion in order to gain agreement or compliance
- Also, avoid making statements that might vaguely have a question at the end. Short and precise questions are much better
- Avoid making assumptions in your questioning.

Tim Young, CfPS Associate, 2008

- 2.16 It goes without saying that questioning should be courteous and non-threatening. Crucially, this does not mean that the scrutineer should steer away from asking uncomfortable or challenging questions of the individual respondent. Effective scrutiny is about *challenging the evidence* not the probity of the individual.
- 2.17 Listening skills are an important part of the scrutineer's role and are closely linked with questioning. Active listening will ensure that the witness feels that his or her position is being properly heard and understood. This can help to facilitate further questioning. Listening to each interaction is an important skill. To members of the overview and scrutiny committee each exchange gives the chance to refocus their thoughts. Some of the key considerations include;
- Has the question put been made in a clear unambiguous manner which will help get to the information sought?
 - Has the answer offered fully answered the question?
 - Has the answer generated any further questions in your mind?
 - Do the answers given indicate that the witness' knowledge only extends so far?
 - If so, should other witnesses be sought to help get further information for the committee?

Good listening behaviour

- 2.18 Body Language – Looking attentive as the witness speaks is important for building rapport and developing a constructive environment. It may be helpful to offer the speaker signs of encouragement, such as nodding appropriately when a fact is relayed, to show that you are taking in what is being said. It is also important to consider the body language of the respondent, taking consideration of the tone used to answer a question may help the questioner to gain a more complete understanding of the situation (is there emotion in the response, for example).
- 2.19 Checking understanding – Effective listening will sometimes involve double-checking the facts. This is referred to above, and is a reflective exercise that allows scrutineers to be sure they have fully understood all of the explanations that have been offered during the meeting. Two common techniques of reflection are paraphrasing and repetition.
- 2.20 Note taking – When the speaker is talking it may be useful for the member to take note of important points. These can then be referred to later or used to challenge the witness if an explanation has not been fully understood or where a contradiction has appeared in the witnesses statements (when challenging inconsistencies the scrutineer should remember that they are challenging the evidence not the individual). Note-taking will also ensure that the questioner does not begin to think ahead, or to make assumptions.

3. Evaluation of questioning techniques, improving future outcomes

- 3.1 At the end of the formal meeting there is a chance to evaluate the success of that meeting, important things to evaluate include;
- What has the committee learnt?
 - What gaps still exist?
 - Does the planned next step/next meeting need altering based on what has been learnt/discovered at this particular meeting?
 - Have the witnesses that have appeared given the information sought?
 - How much of their evidence is based on incontestable fact and how much based on individual judgments?
 - How many of their judgments were challengeable?
 - How many of their judgments were in fact challenged?
- 3.2 Some of the points asked may not have been answerable on the spot. The witness might have indicated that some research was needed and that a written response will follow.
- Was a firm date given for receipt of that response?
 - Does any member of the committee feel additional written information should be sought?
- 3.3 The answers given to the questions asked will help form a body of evidence that the committee will eventually bring together in a final report. As a report will be based on evidence the answers given in a questioning session are helpful sources.
- Has the meeting recorded the source and references of the information given?
 - Could more up to date information emerge between the questioning session and the publication date of the committee's report?
 - If so, will the scrutiny committee be able to get hold of the additional information and ensure that conclusions are based on all the available data?
- 3.4 Finally, following the completion of a meeting it is important to consider the success of the questioning techniques used. Was there something which was tried that worked particularly well? Or were other techniques less successful? A good evaluation can help to improve the quality of future overview and scrutiny committees and can contribute to future successes.

