



# Scrutiny Practitioners Guide

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## What is this guide about?

This is a comprehensive introductory guide that aims to provide an overview of the main facets of scrutiny and a summary of some of the key tools and skills needed to improve and enhance scrutiny in your authority.

## Who is it for?

Anyone working in or with Public Services is likely to come into contact with Scrutiny, but specifically the primary audience for this document is:

- Members of scrutiny committees, including Chairs and Vice-Chairs.
- Scrutiny officers.
- Council leaders and other Cabinet members. This is because political leadership is crucial to effective scrutiny. Commitments to supporting the scrutiny function and recognizing the political dynamic within which it operates must come from the top.
- Those new to scrutiny, whether this is officers or members.

## Background-

At CfGS we have nearly twenty years of experience and are the leading experts in providing support and advice to local authorities on scrutiny and governance.

CfGS has been committed to developing and promoting leading policy and practice in governance and scrutiny, and this guide seeks to bring together a number of our publications, on the matter of scrutiny, from over the years, and repackage these into one concise guide for scrutineer practitioners. These publications include:

- [The scrutiny evaluation framework](#) (2017)
- [Scrutiny in Mayoral combined authorities: a little over six months on \(2018\)](#)
- [The governance risk and resilience framework: the seven characteristics](#) (2021)
- Appreciative Scrutiny. A guide to using Appreciative Inquiry to add value to overview and scrutiny (2012, no longer available)
- [Taking scrutiny seriously- Parity of esteem between scrutiny and the executive: a short guide for local government Cabinet members and senior officers](#) (2020)
- Chairing and Leadership in Scrutiny (2012, no longer available)

**Commented [EH1]:** Presumably this list also includes the "good scrutiny guide" - we will need to be clear about how that (comprehensive) guide and material is different to this

**Commented [EH2]:** Could these have consistent citations and also links to where they're available online (if they still are!)

**Commented [EH3R2]:** Might want to put the "no longer available" publications in a separate list

- [Commercialisation and scrutiny: a practical guide for councillors](#) (2020)
- Putting financial and performance management information to good use (2012, no longer available)
- Tipping the scales (2012, no longer available)
- Raising the stakes (2014, no longer available)
- Using evidence in scrutiny (2017, no longer available)
- [Guide to support combined authority governance of post-pandemic policymaking](#) (2021)

This guide also makes use of ‘The Good Scrutiny Guide’ (2019) However this publication aims to provide a brief overview of matters pertaining to scrutiny practice, whereas the Good Scrutiny Guide provides a much more comprehensive ‘deep-dive’ into best practice and scrutiny. The Good Scrutiny Guide provides an invaluable source of knowledge for both officers and members, you can read this here: [The Good Scrutiny guide](#). The Good Scrutiny guide is written to complement the Government’s statutory scrutiny guidance for councils and combined authorities: <https://www.gov.uk/government/publications/overview-and-scrutiny-statutory-guidance-for-councils-and-combined-authorities> (published May 2019).

Commented [CdBL4]: What about the legislation that this also spans?

## Introduction

### What is scrutiny?

To begin, we will provide a definition of scrutiny, taken from the Ministerial foreword of ‘Overview and scrutiny: statutory guidance for councils and combined authorities’ by the Department of Levelling Up, Housing and Communities (DLUHC) published in 2019, they defined scrutiny as follows:

*“The role that overview and scrutiny can play in holding an authority’s decision-makers to account makes it fundamentally important to the successful functioning of local democracy.*

*Effective scrutiny helps secure the efficient delivery of public services and drives improvements within the authority itself. Conversely, poor scrutiny can be indicative of wider governance, leadership, and service failure.”*

The overview and scrutiny function were introduced in 2000 as part of new ‘executive arrangements’ in local government within England and Wales.

The purpose of introducing overview and scrutiny in local authorities, was so it would act as a form of ‘checks and balance system’ to new decision-making council cabinets, and it was modelled on the Select Committee system in Parliament.

All councils operating executive arrangements must have at least one overview and scrutiny committee, which holds powers to obtain information, require attendance from council officers and members, and to make recommendations. Over the years, the scrutiny function has acquired new powers – for example, scrutiny of NHS services, reviewing the work of the community safety partnership (CSP), and the expectation of reviews on community leadership.

### The principles of good scrutiny

One of the first things that CfGS did when it was established, was to try to articulate some fundamental principles of good scrutiny.

We established four principles that we considered were essential to make scrutiny effective and these have continued to be critically important.

These are that scrutiny:

- provides critical friend challenge to policymakers and decision makers.
- enables the voice and concerns of the public.

Commented [CdBL5]: It was also to prevent corruption after some high profile cases, but we might not want to say that!

Commented [EH6R5]: Quite!

Commented [EH7]: Is this an incomplete sentence

Commented [MI8R7]: Camilla do you know of any other examples of new powers? I looked in the good scrutiny guide for that additional one

Commented [CdBL9R7]: Not really - some have been lost as well such as the expectation of having a yearly report on flooding - so this is more of a mixed picture.

- is carried out by independent-minded people who lead and own the scrutiny role.
- drives improvement in public services;

Below is an infographic designed by one of our Senior Governance Consultants, Camilla de Bernhardt Lane on the Statutory Scrutiny Guidance:

Commented [CdBL10]: I think I have given you/Ed a draft of an info graphic for these - could we get it designed and insert here?

Commented [MI11R10]: Sounds good

Commented [MI12R10]: I'm not sure it was me, would you be able to send me it please?

Commented [CdBL13R10]: Will do

## Statutory Scrutiny Guidance



Whilst this guide does not aim to provide an exhaustive tick list of what authorities should and should not be doing when undertaking scrutiny, it does aim to provide a basis of some of the key skills and concepts that are integral to scrutiny, bringing together themes and concepts from our previous publications from throughout the years.

### Why is scrutiny important?

Overview and scrutiny should be – and is, in many places – a strategic function of the authority. It should be central to the organisation’s corporate governance, a crucial cog in the decision-making machine. Most importantly, it should provide councillors that are not in decision-making roles, with the opportunity to publicly hold to Cabinet to account.

Beyond this scrutiny should be seeking to investigate and inquire into issues of interest and relevance to local people.

Scrutiny’s importance is often somewhat disregarded, but it is essential in providing a ‘counterweight to the executive and in adding insight that may otherwise be overlooked.

### What does scrutiny do?

Now we have established the background of how scrutiny came about, the principles of good scrutiny and why it is important- we will now look at how scrutiny is operationalised and what its primary functions are.

Below we have briefly summarised scrutiny's role:

- It provides a space to bring critical friend challenge and support to decision-making in the authority.  
It provides a way of challenging and supporting local partner organisations.
- It offers the opportunity to bring issues that matter to local people and the local community into decision making.
- Scrutiny can also surface issues that the Council should be engaging with but are not currently part of formal decision making.

There are different ways of enacting scrutiny, which should all work together to complement one another, though these may differ in form, from authority to authority. We have provided examples of the ways scrutiny works and why these are important.

- **Reviewing Management Information:**

- *Performance information* is the information that councils use to understand how services are being delivered, targets are therein set, and delivery is monitored. Data is brought to councillors and officers for review and to improve (if necessary)
- *Finance information* relates to the council's agreed budget, again this needs to be monitored and reviewed to track in-year spending.
- *Risk information* pertains to the council's understanding of the pressures and constraints it faces now, and in the future.
- *Complaints information*, those issues that residents are making formal complaints about, particularly those that are escalated to the Ombudsman.
- Why is this important? Monitoring and managing information relating to performance, finance, risk, and complaints requires something be done with that information so that improvement can be planned and delivered. This is because it can involve raising uncomfortable truths and uncover challenging weaknesses. It is as much an issue about culture as about systems and processes. This makes it an ideal driver for scrutiny's work which will be driven by the need to hold the council to account.

- **Investigating cross-cutting issues**

Commented [CdBL14]: I have re-ordered these, as I think they read better (I know it looks horrendous on track changes)

Commented [MI15R14]: Thanks!

- Why is this important? Matters including, but not limited to, health, children’s services, and adult services will intersect so it is often necessary for the scrutiny function to view these as part of larger overarching pieces of work, working alongside other committees, whilst ensuring there is not duplication.

- **Reviewing what partners are doing**

- Why is this important? Some authorities may have shared service arrangements; therefore, it is important to work together as equals, developing a common framework of priorities which everyone works to meet. Communication should be treated as a strategic function of the authority. The council ought to be “thinking out loud,” bringing local people and partners into conversations about the future of the area, and participating in conversations held by others in the places those conversations are happening.

- **Pre-decision scrutiny**- this is where an authority’s overview and scrutiny function consider a planned decision before it is made by the executive.

- Why is this important? Looking at decisions before they are made is essential, as you as scrutineers can both influence and improve those decisions. It provides an opportunity to challenge pre-conceived notions and ideas that may have been made as the decision was developed. Pre-decision scrutiny allows for the consideration of how decision-makers have looked at the risks that might arise from the implementation of the decision, and how those risks might be mitigated.

Pre-decision scrutiny can happen in two ways: firstly, it can be undertaken before a decision is made by the executive- this may be around two to three weeks before. Secondly, it can be looking at a planned decision many months before it goes to the executive. The most important factor, whatever the timing, is to ensure that scrutiny can truly influence a decision and not just act as a rubber stamp.

- **Horizon scanning**- this is where the scrutiny function ought to be looking for and researching signals of change in the present and their potential future impacts.

- Why is this important? Horizon scanning issues are part of scrutiny’s ability to be proactive in how it works. Being proactive in performing scrutiny is the ability to recognise and



act on emerging issues and trends, this is important in terms of work-planning (which we will cover later) Horizon scanning also involves being reactive, though it is likely that the right balance between being proactive and reactive will be different for every area.

#### Thinking about scrutiny as a key strategic function of the council

Councils have a number of strategic functions which usually sit at the corporate centre of the institution. The size of this “corporate core” has, in many cases, reduced significantly in the past decade. It may include functions like audit, corporate policy, corporate performance, communications, and legal services.

Scrutiny can and should form part of this corporate core. Scrutiny can bring additional capacity to help councils to understand and address complex problems. It can also provide assurance to a council’s leadership. Members’ unique perspectives and insights can help to bring constructive challenges, especially on contentious issues.

But scrutiny cannot carry out this role effectively unless: the support is there (from the corporate core and cabinet/executive), there is agreement and a common understanding between scrutiny and the executive about what that work will look like in practice and what scrutiny’s practical role is. The next section expands on this critical point.

**Commented [EH16]:** Think this might belong in the section above on the role of scrutiny

## Part 2: Culture and Behaviours

This section will look at behaviours and cultures in relation to scrutiny.

Here we will explore:

- the idea of parity of esteem and how, if performed, this will contribute to positive culture.
- how to reflect on the way in which scrutiny is conducted in your council and what this entails, including: listening to scrutineers views, reflecting on how scrutiny is spoken about in your authority, the issue with merely managing scrutiny and how that fosters disengagement and how scrutiny should be thought of as a strategic function of the council.
- Further to the above, we will include our recommendations for taking action on how to improve scrutiny, which include: setting out a role for scrutiny and encouraging scrutiny to be more visible.
- Then we will discuss the access to information for scrutineers.

Commented [CdBL17]: Re-phrased to be more positive - although you are quite correct!

Commented [MI18R17]: Thank you

### Setting out a role for scrutiny

Having a positive vision of what scrutiny might achieve might help to understand how scrutiny could work differently. We think that the executive and scrutiny working together could be productive, this is in terms of articulating a role for scrutiny that goes beyond saying that scrutiny is here to “hold the executive to account.”

Commented [CdBL19]: This is really important and this section should be higher up

Commented [MI20R19]: Moved up

For these purposes scrutiny’s role could be:

- To assist the council to understand and act on the big strategic risks it faces
- To assist the council in better understanding the views and concerns of local people
- To support the proportionate and productive review of performance and finance information
- To assist in the development of major, strategic policies

Agreeing a clear role for scrutiny is about focusing and directing limited resources to maximise scrutiny’s effectiveness. We recognise the tension here between this and ensuring that scrutiny retains an overarching role in looking at all matters which affect “the area and the area’s inhabitants,” as set out in legislation.

It would not be appropriate to constrain scrutiny – but the focus is about maintaining a watching brief over services and then, where a matter arises that might be particularly relevant to scrutiny’s role, it can be escalated.

## Parity of esteem

Though scrutiny has been a feature of local government for over twenty years, there are still critics that comment on its value and effectiveness. In some authorities, it can be said that scrutiny does always not live up to its ambition. However, it is too easy to place the burden for tackling this challenge on scrutiny members and officers. Success in scrutiny should hinge on the commitment of those in leadership positions. It is about the mindset, attitudes, and values of those in decision-making positions, as well as the authority’s political and organisational culture.

There can often be a power imbalance when it comes to overview and scrutiny, it may be that it is overlooked, not taken seriously, or under-resourced comparatively with other areas. This will of course impact scrutiny’s effectiveness. Without an open, transparent, and accountable culture within a council, scrutiny will struggle.

“Parity of esteem” means that the scrutiny function of a council deserves the same respect and has the same importance in the 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 a Cabinet member.

The idea of parity of esteem is what underpins a positive culture of scrutiny in a local authority.

We have made some recommendations below for ways that you and your authority can think about and act upon.

## Reflection

### Listening to scrutineers’ views

In many councils, scrutiny’s relationship with the executive feels transactional. It can seem to centre around requesting reports and information and securing responses to recommendations.

If scrutiny and the executive do not take the time periodically to step back and think about the overall purpose of scrutiny, small misunderstandings and instances of friction can build up into something more.

Actively listening to scrutiny councillors (and to the officers who support them) has to be an important part of this.

#### Reflecting on how you talk about scrutiny in your authority

Many leaders and other senior decision-makers can be said to “talk the talk” on scrutiny. It is easy to talk in the abstract about scrutiny and wanting to make it work – but it is more difficult to take concerted, meaningful action. Both words and actions from leaders have a significant effect on how those elsewhere in the organisation engage with scrutiny.

Scrutiny can involve a culture clash. What is meant by this, is that there can sometimes be poorly directed attempts to oversee or challenge executive activity, which can come up against a corporate sense of singular direction and purpose. Under these circumstances, it is easy to reach a culturally driven conclusion that the problem lies with scrutiny. But an overly executive-minded council may also need to challenge its prevailing culture.

#### Bringing down the barriers

Something to be avoided is merely ‘managing’ scrutiny, for example, looking at scrutiny through a lens of it being a ‘risk factor’ when it comes to council decision-making and governance, and then working accordingly. This approach, for example, can involve preparing reports and engagement that anticipates, and seeks to mitigate, problems further down the line.

Sometimes scrutiny can be ineffective because relationships have broken down. From the perspective of senior officers and members, scrutiny under these conditions may feel that it is tinkering at the edges. This may happen due to disengagement from councillors, which itself could derive from: dissatisfaction with scrutiny’s recommendations, that it may be tricky to obtain information from the council and others (though this will likely be due to lack of resources), and performance problems.

The responsibility for addressing these matters rests on the executive just as much as on scrutiny councillors. A good start to the process here would be having a conversation about the fundamental purpose of scrutiny.

### **Taking action**

Improving scrutiny need not be difficult or complex. It is generally a matter of dialogue and conversation. There are a few things which we think can make a difference, and which require executive-side leadership to have an effect.

- Setting out a clear role for scrutiny – a positive vision of what scrutiny is here to do, which might be used to focus its role.
- Developing an executive-scrutiny protocol – which can help to anchor the relationship on a common set of expectations.

- Put together a regular information digest for scrutiny – developed to align with scrutiny’s role and used to bring focus and direction to the work programme by giving members an accurate and holistic sense of how local people experience services.
- Think about the visibility of scrutiny to the wider authority.
- Put in place (proportionate, and sustainable) resources to support scrutiny on an ongoing basis.

#### More visibility for scrutiny and the work of members generally?

More visibility for members generally, and for scrutiny members in particular, could provide a better way. This might include measures such as:

- More regular member briefings on matters of local interest and priority, away from formal committees (used in concert with information digests).
- The assignment of individual scrutiny councillors as “rapporteurs” to follow the work of individual council departments; councils might wish to revive the once-common practice of having departmental link officers to develop and maintain a more productive working relationship with these councillors.
- Organisational development to take account of the need to explain the work and role of scrutiny to the rest of the council – and to partners. Tensions and difficulties, and misunderstandings, will often rest of a lack of knowledge – and the more that scrutiny, as a function, is visible (and is seen to be both visible and valued) the more effective it is likely to be.

### **Awareness of political dynamics**

In terms of the political culture in relation to the scrutiny function, this can be tricky to navigate considering the political dynamics of many authorities, as often the executive and scrutiny committee(s) will be comprised of differing political affiliations. Even if this is not the case, politics may hinder effective scrutiny to take place. On the other hand, it can also add immense value and allow for effective cross-party working. Below we have outlined what we consider to be some positive and negative behaviours when collaboratively undertaking scrutiny.

#### **Positive behaviours**

#### **Negative behaviours**

Commented [CdBL21]: Could we put this higher up too?

Commented [MI22R21]: I've moved this up now

Members:

- The role and presence of politics are understood and accepted. It is recognised that councillors are politicians and that their political skills bring unique credibility, legitimacy, and perspective to decision-making.
- Officers, while apolitical are aware of political dynamics and manage them sensitively, operating confidently in the political space.
- Utilising the LGA Member Code of Conduct to explore and understand how political dynamics impact councillor activities, with the Code used as a springboard for discussion.

Officers:

- Officers act as objectively as possible, being diligent in drawing together a full spectrum of evidence on which councillors can make informed decisions.
- Officers understood how their own subjectivity and biases influence their work; councillors understand how their beliefs and ideologies influence their own perceptions.

Members:

- Whilst the role and presence of politics should be understood and accepted, members can still engage in healthy, collegiate political debate. With that said, the focus should be on issues and the council as a whole, as opposed to ‘politicking’ and point-scoring.
- Ethical principles are minimised or ignored.

Members

- Debate is discouraged, particularly within the leading political group – there is seen as a single political approach to which all need to be signed up.
- Officers are treated with suspicion – for example by opposition parties who see them as having been “captured” by the executive.

## Resourcing scrutiny?

We at CfGS continue to argue that a dedicated officer resource is critical for successful scrutiny, rather than other models of support.

We have found in our support for scrutiny and governance across councils in England and Wales, which reducing resources for scrutiny increases the resource burden on the wider council.

This is because members’ policy queries tend to then go direct to senior officers who have to then expend time and effort in dealing with them. Requests for reports and information are increased and with less reference to matters which might add value. This will further limit scrutiny’s impact while increasing workload for officers in service departments. The result is usually more invisible resource expended upon scrutiny with fewer tangible outcomes.

## Accessing information

There are a number of steps through which councillors need to go in order to assure themselves that they are accessing the right information in the right way at the right time and using it to maximise the effect of their scrutiny work.

- Learning the basics of how to find and use information. This will involve talking to officers about scrutiny's role, their expectations and what information might be required.
- Understanding how to analyse and reflect on research evidence. Members will need to discuss how much they need to develop these skills themselves, and the extent to which they will need officer assistance.
- Developing scrutiny's approach to gathering and using evidence so that findings and recommendations are clearly evidence-informed, and that the evidence used tracks back to scrutiny's overall role.

It is worth remembering that councillors sitting on scrutiny committees have enhanced information access rights under [legislation](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/800048/Statutory_Guidance_on_Overview_and_Scrutiny_in_Local_and_Combined_Authorities.pdf) (https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\_data/file/800048/Statutory\_Guidance\_on\_Overview\_and\_Scrutiny\_in\_Local\_and\_Combined\_Authorities.pdf).

It is also important to remember that this does not mean that councillors should be looking at everything available, all the time. Part of the benefit of taking a more forensic and targeted approach to evidence is about understanding where to stop. Members need to decide themselves how information will be presented to them and how much they need.

One way that some councils have sought to manage the weight of information that members could look at is to divide the task up. Individual councillors on a committee could be given the responsibility to lead on oversight of a particular element of that committee's terms of reference. This is particularly useful for councils with only one, or two committees, and where councillors might be worried that they cannot otherwise keep track of a wide range of strategic issues.

## Taking stock

It is important for the scrutiny function to be introspective and to 'take stock,' this involves looking at current processes and systems. It is equally important for scrutiny to concurrently 'look outward,' ensuring that you are engaging with partners, looking at scrutiny in the wider context of the council and undertaking meaningful work on behalf of the constituents you represent.

## Looking in

Here we will focus on the key characteristics of effective scrutiny and provide some recommendations in order to help you reflect on your current ways of working.

This will help you to build up an accurate picture of how your scrutiny function currently works and secondly it ensures that you have a collective understanding of those characteristics, and why they are important.

Commented [CdBL23]: Is this correct? Can we link to it?

Commented [MI24R23]: Ive cited a gov.uk doc for this now

Commented [EH25]: Not sure I'd quite phrase it like this would you rephrase

Commented [MI26R25]: Is this better?

Commented [EH27]: Need to rephrase this a bit, I can tell it's cut and pasted from the SEF and it doesn't quite work as written

- A quick desktop exercise carried out by members and/or officers.
- A single meeting of scrutiny councillors (say, an evening session to work through the characteristics and the prompts).
- A more wide-ranging, but informal, set of discussions – for example, informal meetings with cabinet members, senior officers, partners, and other key stakeholders.
- Conversations with members of the public who have engaged with scrutiny (as well as those who have not).

## Future challenges

When conducting scrutiny, it has to be relevant, and it must do work which has an impact on local people. It must engage with decision-makers priorities and the priorities of other partners – the NHS, the combined authority (if there is one), and so on.

Here are some of the key “external” issues which are likely to impact on how scrutiny is carried out, and how governance is likely to need to change in the area. Part of the evaluation process is about considering these changes and reflecting on what they mean for the future of scrutiny.

- Financial challenges for local government. The nature of funding for local authorities has changed significantly over time. The amount of money available for the transaction of core business will likely continue to dwindle.
- Demographic changes will result in pressure and demand in some areas – for example, adult social care.

Both of the above are likely to result in a pressure for local authorities to “transform.” Transformation might see the creation of some, or all of the following – which raises questions for scrutiny and local accountability:

- Strategic commissioning arrangements, with councils moving away from traditional contracting-out.
- Confederations and council “clustering,” which is an ancillary element of some devolution deals.
- Major transformation programmes being carried out by other public agencies – for example, Integrated Care Systems which have now been formalised as legal entities through the Health and Care Act, and the Levelling Up Bill.
- Devolution deals, and the establishment of combined authorities, as well as the proposed County Combined Authorities in the Levelling Up Bill, raises substantial questions about democracy and local scrutiny.
- The potential for local government reorganisation or reviews by the Boundary Commission.



- The continuing development of digital technology means that the public expects a different relationship with elected representatives and those making decisions on their behalf.

### **What is scrutiny's response to these challenges?**

It needs to be first established whether scrutiny is in a position to make such a response and how does it need to change to do so? This should be a tricky question to answer.

Tackling it will involve an acceptance from those involved in the scrutiny process and the way they work may need to change, and change significantly, for scrutiny to remain relevant. If you sail through this part of the exercise quickly and easily, it may be that those involved have not fully engaged in this challenge, and its implications.

## Part 3: Scrutiny Skills

Above we have explored some key themes and issues affecting scrutiny. In this section, we seek to provide some guidance on skills that can be used in the scrutiny environment.

These will include:

- Work programming
- Chairing
- Leadership
- Questioning skills

### Work programming

One of the most important activities for those involved in scrutiny is designing a work programme.

A good work programme ensures that scrutiny is focused on subject areas and issues that matter the most and is makes the best use of scarce time and resources. When it is done right, the process of designing a work programme can promote transparency, and public participation as well as being a positive demonstration of good governance. Generally, good practice for a work programme follows the 'less is more' rule, it is more beneficial to have a narrow, yet deep work programme as opposed to one that is broad and shallow.

While every process will be different – and quite rightly so, because every organisation is different – there are some fundamentals that underpin every good process.

We have recently published an updated, comprehensive guide on work programming which you can find [here](#).

### Chairing skills

Here, we will be exploring the role of the Chair leading the discussions and deliberations within the scrutiny process.

The chair of a scrutiny committee should seek to provide, through strong leadership:

- a good environment for the constructive challenge of decision-makers.

**Commented [CdBL28]:** I wonder whether these should be updated to reflect more of what the training and slide decks that Ed has produced are now saying?

**Commented [MI29R28]:** I did use the recent slide decks unless they have been further amended?

**Commented [EH30]:** Not sure we'll need this part - Natalie has written the more detailed guide on this subject, which we might just wish to signpost here

**Commented [CdBL31]:** Might be useful to mention how many items is good practice on an agenda - less=more and narrow and deep rather than broad and shallow

- constructive 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.
- 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.

### Using the forward plan

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.

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

### Call-in

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

Commented [EH32]: Separate publication on this forthcoming

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.

We will be publishing a comprehensive guide on call-in in the coming weeks which will be updated here when it is available.

#### Party politics

We have already touched upon political dynamics, but in the context of chairing we will delve a little bit further into this.

Debates that happen during the scrutiny process may have political elements and the role of 'politics' should be accepted and acknowledged, however, 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. Scrutiny is, and always should, be regarded as a party politically impartial forum.

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 chair must develop, and utilise, careful judgment in directing how political debates happen, particularly in preparation for meetings. 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.

#### During and at the end of the meeting

Timing:

Commented [CdBL33]: This is in direct conflict with what is written above

Commented [CdBL34R33]: About assertions of political impartiality

Commented [MI35R33]: Is this better?

- 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.

Formality:

- 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.

Contribution:

- 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. 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.

Agenda items:

- 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. 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.

Closing the meeting:

- 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. 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

## Questioning skills

In this part we will focus on questioning skills and how you can enhance these in the context of scrutiny.

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 policymakers 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.

### Preparation

#### Pre-meetings

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 allow for members to agree who on the panel or committee will be asking the questions and the extent that supplementary questions will be put.

It is important to identify what kind of questions and questioning you will be asking; we explore this here:

- 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.

### How to approach questioning successfully

#### Open mind of those asking questions

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

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.

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.

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.

Members of community or pressure groups are likely to have very detailed knowledge in the subject area where they operate. 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.

When talking to individuals/constituents with lived experiences, councils must provide a ‘safe space’ to do so, as some may be vulnerable. This needs to be a place of psychological safety and comfort for individuals

**Commented [CdBL36]:** I wonder if this section warrants a separate publication?

**Commented [MI37R36]:** I've added this bit in at the bottom of this section 'Questioning skills is a vast topic that requires perhaps more nuance than this short guide can offer, in light of this, CfGS will be publishing a more in-depth guide on this matter in the coming months.'

**Commented [CdBL38]:** I think we need to update here on something about talking to people with lived experience and creating a place of psychological safety in order to hear from vulnerable or hard to reach people.

**Commented [MI39R38]:** I've added the following: When talking to individuals/constituents with lived experiences, councils must provide a 'safe space' to do so, as some may be vulnerable. This needs to be a place of psychological safety and comfort for individuals involved. It is important that the space is accessible and meets the needs of the individual. Outreach also needs to be done to also include hard to reach people, for example those that do not have access to internet/telephone and consideration to language barriers.

involved. It is important that the space is accessible and meets the needs of the individual. Outreach also needs to be done to also include hard to reach people, for example those that do not have access to internet/telephone and consideration to language barriers.

### Questioning styles

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

The section below offers some tips on the different styles that can be applied to questioning, and suggest when they should be used<sup>1</sup>

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.

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?'*

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 ...*

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...?'*

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 ...?'*

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.

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...'*

Questioning skills is a vast topic that requires perhaps more nuance than this short guide can offer, in light of this, CfGS will be publishing a more in-depth guide on this matter in the coming months.



### Listening skills

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?

### Evaluation of questioning techniques, improving future outcomes

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 have much based on individual judgments?
- How many of their judgments were challengeable?
- How many of their judgments were in fact challenged?

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?

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?

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