Overview and Scrutiny
at the London Borough of Merton

– Volume of Evidence –

"Effective scrutiny is the lynchpin of the new political arrangements. If scrutiny isn't working this poses a significant threat to the success of democratic renewal"

Source: *Developing new political arrangements: a snapshot*, District Audit, 2002

This document accompanies the final report of the scrutiny review of overview and scrutiny procedures at the London Borough of Merton, which was completed in March 2006 by a task group of the Overview & Scrutiny Commission.

For more information or a copy of the final report, please contact Kate Martyn, Scrutiny Manager, on 020 8545 3857.

OS1 – Notes from the CfPS Consensual Scrutiny Environment Seminar, 26 October 2005

<u>Session 1 – How Select Committees Work</u>

The Principal Clerk at the House of Commons gave a start to finish view of the Parliamentary scrutiny system including an insight into Select Committees approach to politically consensual scrutiny. Some of the key issues highlighted in this session include:

- **Consistency:** Each committee reflects the political balance of the house and as a rule once appointed onto a select committee will stay a member of it until the end of their term (ensures consistency and build up of knowledge in the committees area of work)
- **Size:** Select Committee usually made up of 11 – 16 members
- **Valuing membership:** There is generally a waiting list to be on a select committee, currently approx 100 MP's, selection for a committee is seen as a valued role.
- **Attendance:** Attendance is generally high 75%+
- **Room layout:** Tried and trusted room layout that both helps to engender good discussion within the committee and to focus on the witness when evidence gathering. *(See attachment 1).*
- **Chairs leadership**: Chairs leadership skills very important to successful scrutiny.
- **Pre Meeting**: 15-30 minutes before select committee, members meet to discuss the programme of the meeting, allocate questions etc.
- **Time:** Ensuring that there is adequate time on the agenda to question witnesses fully (do not overload agenda).
- **Ownership:** Members of each select committee decide upon there own work programme agreeing which topics to scrutinize which helps to engender ownership, commitment and interest by individual committee members.
- **Timescale:** Timescales for inquiries agreed on outset of enquiry, most take 4-6 months. Each committee may have up to 6 inquiries progressing at one time.
- **Inquisition**: Select committees have a reputation for the inquisition of witnesses, which is not actually the case, but when it does take place can be quite divisive.
- **Supported**: Select committees fully supported with a team of support officers, legal advisors and administrative staff.

<u>Session 2 – Chair of the Environment and Audit Select Committee</u>

Peter Hainsworth the Chair of the Environment and Audit Select Committee explained their role in the select committee system and how committees strive to achieve consensus:

- Extremely important to obtain consensus in reports that are produced (the strength of the select committee is in its independence and unanimity);
- Always consider issues based on the evidence received (hold to account and be dispassionate);
- Must leave party political baggage at the door: cross party commitment to act consensually to service the community's needs rather than own political agenda;
- Always make evidence based recommendations;
- Get consensual working by: meeting regularly, good chairing skills, recommendations that are evidence based and emerge as part of the discussion, making sure all members feel involved and that their contribution is valued;
- Importance of evaluating effectiveness.

A scrutiny officer from Bristol City Council led the discussion on building a political consensual environment in Local Government. The key issues that arose from the group discussion were:

- Consensus on final reports (without consensus the recommendations will have little impact and the report/recommendations will not be taken seriously).
- Importance of the scrutiny panel/committee working as a team to serve community needs/improve services rather than serving own political agenda.
- Importance of sharing scrutiny chairs and vice chairs amongst all political groups in the council.
- Each panel/committee agree it own cross party work programme for the year.
- Engaging others outside the 'Town Hall'.
- Executive sharing the vision and engaging with the processes.
- Using different styles of meeting/evidence gathering.
- Approaching topic without pre-conceived ideas.
- A clear focus on issues that have the potential for strategic thinking.
- Evidence based reviews and recommendations.
- External scrutiny, creating an ethos which demonstrates that scrutiny is not trying to catch them doing something wrong, but acting as a critical friend.

MR 08/11/2005

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OS2 – Overview & Scrutiny Articles: Local government under the public microscope (Dr Jane Martin), Keep an eye on scrutiny (Andrew Coulson), The Critical Friend (Prof. Gerry Stoker) and Scrutiny should be in the limelight (Varya Shaw)

OS3 – Summaries of The Good Scrutiny Guide (CfPS), Successful Scrutiny (CfPS) and Overview and Scrutiny Guidance for Districts (CfPS)

The Good Scrutiny Guide (CfPS)

The processes of public scrutiny must be conducted in ways which are open and transparent to everyone. The work of scrutineers should be purposefully focused on the needs and concerns of the public … Scrutineers should see themselves as conducting a dialogue with the public.

Jane Martin, Director, CfPS

1. **Good scrutiny provides "critical friend" challenge to executives as well as external authorities and agencies**

- The 'critical friend' role of scrutiny is founded on a mutual respect relationship between scrutiny and the executive.
- For scrutiny to be effective its status must be recognised as being on a par with that of the executive ('parity of esteem').

There needs to be:
  - ➢ Clear rules of engagement.
  - ➢ Coordinated workload planning with clear link to corporate processes, dovetailing the work of scrutiny with policy development and decision-making cycles to maximise influence.
  - ➢ Reporting and monitoring mechanisms

Need to acknowledge that scrutiny is an ongoing process: stated outcomes should be monitored and outcomes should be reassessed where expectations have not been met.

Behaviours for scrutiny to make a difference:
- Confidence
- Credibility
- Legitimacy
- Command attention
- Influence
- Persuade
- Challenge
- Non-aggressive

Supported by:
- A high calibre of practitioners who use objective questioning, are clear about what they want to know and plan their questioning around these goals
- Inclusive and focused chairing

2. **Good scrutiny reflects the voice and concerns of the public and its communities**

Scrutiny enables members to demonstrate and develop their community leadership role.

Need to create:
- A dialogue with the public.
  - o Innovative ways of communicating, consulting and feedback (New means of communication: text messaging, email, internet, local media; schools, libraries, GP surgeries, supermarkets)
  - o Show evidence of responding to concerns of residents and involving them.
- A constructive relationship with press and media.
  - o Use them to help put forward strong arguments and generate publicity for reviews through press releases, invite local newspapers/tv/radio to meetings,

details of reviews on the council website, e-mail bulletins, regular articles in newspaper.
- Develop relationships with LSP, area forums, residents associations, PTAs and create conditions for plural views and concerns to be taken into account, esp. minority groups.

Scrutineers should make their own working practices as transparent as possible.
- Open access to meetings
- Encourage participation
- Make documents available
- Annual report
- Location and accessibility of meetings

Communications and public consultation is essential for scrutiny to maximise its effectiveness
- Should be adequately resourced (time and money)
- Make use of professional communications expertise within the organization to develop a strong identity and voice for the scrutiny role.
- Should develop a communications strategy and find ways of reaching a wider audience.
- Distinguish the scrutiny role – make it understood in your own organization and in the wider public sphere.

Develop a guide for witnesses setting out advice on content, format, publication, likely questions, proceeding and expenses to prepare witnesses.

3. Good scrutiny takes the lead and owns the scrutiny process on behalf of the public

Scrutiny needs to be independent and be championed – actively promote its status and credibility – and requires active engagement of members of committee, with public and colleagues.

Need to ensure:
- Adequate public representation
- Political balance where appropriate
- Conditions for deliberation and consensus building
- Independent work programme informed by the interests/concerns of public.

Scrutiny *is* legitimate and should be treated as such. Members should feel confident in their role.

A direct support unit should provide information, help members plan their work, help to gather evidence, support meetings and produce reports. The need for such support should be acknowledged and provided by the authority.

How to ensure active participation in Overview and Scrutiny
- Clear arrangements in place to enable scrutineers to understand the boundaries of the role and the expectations of them.
- Support officers and the chair should encourage scrutineers to contribute to agenda setting, giving opinions, formulating recommendations and sharing workload.
- Ensure that scrutineers have clear guidance and information about the process.

Consensus building
- The scrutiny panel's authority is formally invested in that panel, not in individuals, with exception of a specific role for the chair.
- Need to create conditions in meetings for deliberation and discussion and reconcile differing perspectives in order to build consensus
- Remember: scrutiny is an evidence-based process.

4. Good scrutiny makes an impact on the delivery of public services

The prime role of scrutiny is to ensure the quality of, and seek improvements in, public services.

Scrutiny performs a strategic quality assurance on behalf of the public through scrutinising performance management systems (ensuring they are in place and working well; considering the appropriateness of targets).

Skills for scrutiny
- Active listening and sympathetic questioning
    - Adjusting questioning technique to create an atmosphere conducive to openness (NB. polar opposite to interrogative style).
    - Courtesy, respect, welcoming.
- Ability to interrogate data and analyse.
- Analysis and interpretation of performance data.

Successful Scrutiny (CfPS)

- Ensure reviews are member-led and locally driven. The enthusiasm and contacts of one member can really get momentum going within the committee, for officers and the community itself.

Making an impact

- Set clear and concise terms of reference for reviews but build into reviews the flexibility to adapt if issues arise suddenly.
- A unanimous report always carriers more weight than a majority report.
- Set measurable outcomes for reviews. Feed recommendations back to the point of origin.
- Include follow up procedures in the project planning to monitor the implementation of any recommendations which are accepted.

Gathering evidence
- Carry out 'fact finding' exercise with service users to get them on board.
- Co-opt members to ensure knowledge sharing with other interested parties.
- Reading officer reports and hearing about problems and issues second-hand is no substitute for scrutiny members undertaking visits and seeing things for themselves.

Community Engagement
- Building in a consultation process allows public concerns to be built into the inquiry.
- Brand the review in an interesting way – arouse curiosity from the press and the public.
- Use specialist outside organizations to engage with hard to reach groups.
- Get out of the town hall to create optimum conditions for investigative evidence-based process.
- Use the local media to both publicise the work of scrutiny and, if possible, to obtain public opinion.

<u>**Overview and Scrutiny Guidance for Districts (CfPS)**</u>

Holding the executive to account

Scrutiny is not the same as opposition – 'Critical friend'
The executive/senior officer view of scrutiny is important to scrutiny's success
- If scrutiny is seen as a threat of a 'junior partner' then their proposals may be fiercely opposed or rejected out of hand.
- If it is seen as a valid mechanism for challenge and part of the improvement agenda, and its views and opinions are valued, then the scrutiny is more likely to be constructive in its approach and cabinet more likely to accept recommendations.

The 'scrutiny' element of 'overview and scrutiny' is about more than call-in:
- Major policy documents can be referred to scrutiny providing an opportunity to influence the overall policy framework of the council.
- Overseeing the performance management system is a form of 'scrutiny'
- Using the forward plan is pre-decision scrutiny.

Policy review and development

The key is the selection of the topic.
Scrutiny panels can use the following sources of information to shape their review topic selection:
- Remit of the panel
- Council priorities
- Public priorities (gathered through the Community Plan consultation, Residents' Survey, etc)
- Previous topics not picked up in previous years
- Suggestions from members of the public

Reviews should:
- Add value
- Don't duplicate work
- Look at an interesting topic

The key difference between overview and scrutiny and the old committee system is the importance of basing conclusions on evidence.

Back up recommendations with evidence of expert witnesses, service users, best practice authorities to add credibility. Agree reports unanimously to make them more persuasive.
It is important to note that local authorities "trade on their reputation". By making an impact, and telling people about these successes, you can add credibility to the function and attract interesting witnesses. Also, witnesses are customers and it should be noted that they need support (for example: witness guides, travel expenses to attend meetings, an indication of the areas of questioning they will have to respond to) and you should invite feedback and learn from their experiences.

Work programming
- Incorporate a range of work (review decisions of the executive, review areas of policy, monitor admin and expenditure, major policy framework documents and follow up on past reports) … and review the work programme on committee agendas.

Public engagement
- The topic is central
- Relations with the press (Open evenings/press breakfasts, press releases, letters to papers, articles in publications, launch events for review reports, invite journalists on site visits)
- Information flows (web pages, e-bulletins)

- Get out of the town hall (trail the event in the local press/local newsletters, organise PA systems/refreshments)

Measuring the effectiveness of scrutiny.
- Successes need to be made clear.
- Any changes to council policy need to be reported back to members.
- Follow up and monitoring recommendations (for example, Maidstone's rapporteur system)

Skills
- Questioning/analysing rather than opining.

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OS4 – Notes from visit to Hounslow, 25 November 2005

Meeting with Sunita Sharma, Head of Scrutiny and Performance, London Borough of Hounslow

"Scrutiny works best where the administration has the confidence in themselves to be scrutinised. The executive has to be open for criticism and working together"

The London Borough of Hounslow set up an Executive, Overview & Scrutiny and Area Committee model in June 1999. Before this time, the Council spent 18 months discussing how it wanted to modernise and what system would be best for Hounslow. There was very good cross-party engagement in the discussions and the decision was taken that that overview and scrutiny should have independent support in the form of a dedicated Scrutiny Team and that the manager would be a chief officer.

- Independent support and high/equal status for scrutiny are seen as the key success factors to making scrutiny work.
- Overview and scrutiny at Hounslow is supported by one manager (Head of Scrutiny and Performance reporting directly to the Chief Executive) and three scrutiny officers.
- Overview and scrutiny has a dedicated scrutiny budget approximately £10,000 and training and development can also be resourced from the central member development pot.

In the early days there was a free and frank discussion about the style of scrutiny wanted at Hounslow. Members reached a consensus about what did and did not feel right for overview and scrutiny

Members wanted to get away from the old committee style of meetings. At the first meeting the scrutiny Members put the formal 'committee business' structure aside to think about how their meetings should work, to raise concerns and to settle cross party differences.

They decided that:

- Chairs must be completely in control of the agenda
  - o Despite the move away from then old committee system, officers seemed to be looking for where to send their reports – they were used to presenting their work to committee as a right. It meant that a lot of items were being put on scrutiny agendas which should not be there.
  - o Now, chief officers have to justify why they need an item to go to scrutiny, for example to check on options or to get a view on the direction of a policy.
  - o This meant that a lot of unnecessary items were pulled off agendas which freed up scrutiny time for other items.

- o Scrutiny decide who they want to speak to – level of seniority of the officer and who else will accompany the witness.
- Overview and Scrutiny need time to consider items properly
  - o There is one significant item on each overview and scrutiny agenda (plus three or four mini items)
- Members are clear that they do not always have to have a report
  - o Encourage presentations, provide links to background information rather than send copies out.
  - o Set out guidelines for report to scrutiny to ensure that they meet the needs of scrutiny members

Chairing arrangements

Last year only one chair was a non-majority councillor. Before then the chair of the Overview & Scrutiny Committee was a majority councillor and the panel chairs were appointed according to their interests and experience.

Meetings

The Overview & Scrutiny Committee meets monthly (around 4/5 weekly) and they decide on call-ins (which are then dealt with in panels), consider the forward plan, etc. There is a standing item on the agenda for feedback from chairs of the panels.
The four standing panels have six weekly meetings.
Twice a year each panel has a 'taking stock' session enabling the panel to reflect on and review the work they have done so far – what went well, what problems they experienced, how they could deal with them better – and think ahead about what issues are coming forward and how they want to tackle them. The session also provides feedback to the Scrutiny Team.

Work programmes

About a third of the work programme is looking externally
- For example, complaints, issues coming out of ward surgeries, items referred by area committees
- Looking at what are the public concerned about and taking action

About a third of the work programme is 'critical friend' work
- For example, performance management CPA action plan, inspections, local government ombudsman, complaints etc

About a third of the work programme is 'sweep up'
- Fore example, items referred by the executive, outstanding work from last year, follow up top earlier reviews

These are fluid thirds however which enables the panels to respond to particular situations that come up throughout the year.

The Head of Scrutiny and Performance has one to one meetings with chairs regularly to check that the Scrutiny Team is providing the support needed and that the work programme is going to plan.

Scrutiny Review Reports

Cabinet taking notice of scrutiny recommendations: 95-96 per cent success rate

When the report is completed an officer from the department concerned and the lead member are brought into the drafting process to test out the likely response to the

recommendations: identify which are deliverable, which are in principle accepted but not deliverable, and ones which will not be accepted. Regardless of the view given all recommendations will be kept in the report but is a useful exercise.

Rejected recommendations a left in to leave the executive to ponder on the ones they think they can not/will not deliver. There have been examples of where 1-2 years later they change their mind.

Follow up to reports

A template is used for follow up: setting out recommendations, response from Cabinet and then a blank column to update against each one.

There is a Member champions appointed for each report – give to whoever is interested in the particular topic. The Member champion meets regularly with the lead officer from the department and the lead member to receive an update on the work done to implement recommendations. Updates are planned into the Overview & Scrutiny Commission work programme

Holding the executive to account

Each executive member is held to account at least once a year over their aims and ambitions for the year etc, over and above other attendance at scrutiny panels. We hold twice a year Leader Question Time and twice a year CMT Question Time. These are open to all non-executive councillors. Panel members will prioritise key strategic plans for scrutiny etc.

Pre/post decision scrutiny

The split is about half and half pre- and post-decision scrutiny.
- Pre-decision scrutiny involves looking at draft strategies, draft polices, arrangements to implement national legislation, etc.
- Post-decision scrutiny looks at policy implementation and call-in but there is not the same level of buy in/consideration from the executive – there is a view that there are problems with 'whipping'

Call-in

When a decision is published the Scrutiny Team e-mails all of the overview and scrutiny Committee and panel members with the decision to make sure they get it. They then have five days to notify the Head of Scrutiny and Performance to call it in.

The call-in threshold is three non-executive members over two political groups. Since 2001 the executive has changed its decision only once. So far this year there have been four call-ins.

Whilst there is a filter in place to make sure that they are being called in for viable reasons, all call ins have been heard. All scrutiny chairs have felt that call ins should be heard if members go to the effort to call something in as call-in is seen as a last resort – the view is that if it is used then the issue must be of real concern. There is also view that there is a high level of maturity of members and there is no hint of mischief making.

Health scrutiny

LB Hounslow (like Newham, Camden and Southwark) has arrangements in place for the Overview & Scrutiny Committee to agree any joint working arrangements, with no need to go to Council.

Budget scrutiny process

Quarterly performance monitoring

Information is presented to overview and scrutiny setting out current spend to date, efficiency monitoring, modernisation agenda monitoring and PIs.
The Scrutiny Team is given this information and they analyse the performance reports and look at other intelligence to see where there is a gap. They ask for an explanation and where there is no explanation or it is not on track they produce a briefing note for scrutiny members setting out this information and details of what impact problem areas will have on the reward grant, policies, etc.

Budget setting scrutiny

Members are provided with savings proposals. An external financial consultant is commissioned by scrutiny to assess the viability of the options put forward, look at what has happened to earlier savings, look at the knock on implications and performance information. This is presented to the scrutiny member to assist them in their scrutiny.

The role of the Scrutiny Team

- Acts as a champion and an advocate on behalf and for overview and scrutiny members
The professional role of the Head of Scrutiny and Performance and the Scrutiny Officers is acknowledged and the status of the team is high within the organisation.
At meetings the team provides an advisory role for panel and briefing papers on the items the panels are discussing setting out background information and suggested themes members may which to explore.

Public engagement

- There is a formal mechanism for the public to refer items to scrutiny: the 'Raise an issue' online form on the scrutiny webpages. About once a month a request comes in and if it fits with a piece of work that is timetabled the person is informed and they are invited along. If not the panel look at incorporating into their work programme.
- Leaflets encouraging people to get involved are distributed
- Ask for feedback from people who got involved
- Public are invited to ask questions at meetings
- The local press pick up items
- Overview and scrutiny have meetings with community groups, site visits, national conferences, briefing sessions/ seminars

Area committees

Are responsible for devolved planning decisions, have a small budget for environmental improvements and carry out local monitoring (scrutiny), for example looking at the Police's local delivery plan for the area, or health plans for closing a centre and moving services.

The Scrutiny Team keeps a watching brief and makes suggestions to area committees for possible review topics.

Area committee also refer items to overview and scrutiny. Twice a year there is a formal meeting of the chairs/vice chairs of scrutiny and the chairs/vice chairs of area committees – an open dialogue meeting to discuss any common issues.

Area committees can refer items to overview and scrutiny

Member development

Overview and scrutiny features as part of the Member Development Plan. Training on questioning/probing, chairing, budget scrutiny, analysis skills, presentation skills, etc. As part of the new members induction there are modules on decision-making and scrutiny. There are briefing sessions for members on specific issues and Members can also get involved in the Idea leadership programme.

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OS5 – Presentation and notes regarding overview and scrutiny at Maidstone Borough Council

OS6 – Feedback from the Ideas Board, Full Council, 30 November 2005

What are the successes of Scrutiny at Merton?

- Reappraisal of school exclusions and reaffirmation of equalities on Merton
- Proper re-emphasis on consultation
- £1 million more for libraries; £200,000 more for the Youth Service

What are the failings of Scrutiny at Merton?

- Takes too long for decisions to be made
- Some members fail to understand its role
- Its role is not understood
- Need Chairmen to be totally independent of the executive, even if from majority party
- Too many chances for the opposition to challenge decisions taken by Cabinet
- Opposition have little chance to influence the decisions of Cabinet

What do you want to see happen to improve Scrutiny at Merton?

- Better re-assessment of action plan action to ensure achieving results
- Less talk more action

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OS7 – Notes from the CfPS Community Leadership Seminar, 30 November 2005

Key Messages

- Test for undertaking an inquiry is whether it will **add value**
- Select Committees and their members have won respect for their independence and high standards – MP's are keen to be appointed, there is usually a waiting list
- Composition of Select Committees is proportionate to the distribution of the parties BUT Chairs are elected by members from across the parties
- Committees meet frequently (eg. weekly) and "bond" over the term of a parliament through site visits etc.
- Select Committees can hold the government to account
  - Ministers must respond to publication of report within 60 days, and may be summoned to appear before committee if response is inadequate
  - Ministers are subject to annual performance review
    - Select Committees can compel non-government witnesses to give evidence - government witnesses risk opprobrium if they refuse to appear
- Reports are evidence based, present both sides of argument, and incorporate hard and soft recommendations
  - Better to allow a minority report than bland consensus

Background Information

Session 1 – Andrew Kennon, Principal Clerk of Select Committees

- Committees match ministries eg. ODPM, plus cross cutting eg. Public Accounts
- Select Committees (and their staff) are appointed by the House of Commons, not the government, but have no executive powers

- Composition of Committees is proportionate to distribution of parties – currently 6 Labour, 3 Conservative, 2 Lib Dems for total of 11 members
- Chairs are elected by committee members, although Labour holds the majority – Chairs have tenure for a maximum of two parliaments
- Committees choose their own subjects for inquiry, reflecting members' interests
- Committees typically meet once a week
  - Two hours hearing oral evidence from witnesses (staff brief on key questions) plus brief deliberation
- Choice of inquiry, programme, witnesses and discussion of draft report held in private – all evidence heard in public, and final report published
- Inquiry typically takes 6 months from choice of subject to publication of report
  - Committees may have 10-12 inquiries running concurrently
- Government **must** respond to report within 60 days
  - Minister may be summoned to expand on response if inadequate
- Witnesses to give oral evidence often selected on basis of written submissions received when inquiry announced
  - Non government witnesses may be compelled to appear, government witnesses risk political flak if they refuse
- Report is evidence based, seeks to present both sides of argument, and includes hard and soft recommendations
  - Long-term effectiveness judged on basis of actions taken

Session 2 – Barry Sheerman MP, Chair Education and Skills Select Committee

- Test for undertaking an inquiry is whether it will **add value**
- MP's gain kudos from sitting on Select Committees – there is generally a waiting list
- Site visits are a good team building exercise for new Committees
- Ministers are subject to annual performance review
  - But change more frequently than Committees
- Committees revisit topics to monitor progress eg. SEN, and build in depth knowledge of their subject areas over time
- Aim is to build partnerships with expert witnesses who may appear several times before Committee
  - Nothing gained by being adversarial/combative unless witness is evasive
- Statistics tend to be unpopular with committee members who depend on special advisers for interpretation
- Chair should not insist on unanimity, can allow minority reports – otherwise the final report will be bland as the price of consensus

Session 3 – Charlotte Burnham, Scrutiny Manager, Hartlepool BC

- Hartlepool BC is a small authority (pop. 91,000) with one scrutiny manager and one FTE support officer seconded from the local university – but no dedicated budget for scrutiny
  - Hartlepool enjoys unusual attention from the local media because of its elected mayor (H'angus the Monkey) who has just been re-elected for a second term – press attend all meetings
- Scrutiny seeks strategic interventions to achieve outcomes that would not otherwise be realised
- Scrutiny enjoys a high profile internally and externally and support from the community through a citizens' panel of 1000 and area/neighbourhood forums
- Subjects scrutinised include:
  - Mobile phone masts
  - Ghost ships
  - Flooding
  - Avian flu
  - Bus services in Hartlepool
- Outcomes measured in terms of media coverage rather than actions

- Scrutiny in Hartlepool is seen as the voice of the public, responding to their concerns in a timely manner
    - But there are tensions between cabinet and scrutiny

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OS8 – Notes from the Brent Budget Scrutiny Seminar, London Scrutiny Network, 1 December 2005

Key Messages from the Event

- Ensure that there is a common understanding of what is meant by budget scrutiny within your authority.
- Ensure that scrutiny members are adequately trained in at least:
    - Basics skills required to look at budget effectively
    - Questioning skills
- Ensure that the budget information is presented in an understandable and, preferably, in an interesting way (use of modern technology, using graphs etc – a picture says a thousand words…)
- 'Making it real' by linking budget information to outcomes. Provide information not just data.
- Scrutiny involved in the budget process throughout the year not just in December when new budget is set, i.e.: quarterly budget monitoring, audit letter (e.g. Hammersmith and Fulham and Hounslow)
- Political leadership must be supportive of scrutiny for it to work effectively.
- For members to see clearly they need officers to design systems that describe budgets in the language of member values and goals.
- Do not to review the budget in isolation, link to service plans and business plans.
- Financial systems are the most powerful medium through which the organisation's culture and values are communicated - Member involvement is vital.

Background Information from the Event

Session 1 - Political Challenges to Budget Scrutiny

Dick Sorabji, Policy Officer, Local Government Information Unit gave a presentation highlighting some of the key issues in relation to political challenges to budget scrutiny:
- Dealing with different tensions between: parties, executive and backbench, officer and member, finance vs service department.
- Technical complexities of local government finance – emphasising that it is about using the information rather than trying to understand the financial complexity.
- Getting meaningful information: rather than data overload, information not just data.
- Linkage of budget to services.
- The budget is only half the equation, what about outcomes, need to link to reality of what these systems are about.
- Financial systems are the most powerful medium through which the organisation's culture and values are communicated - Member involvement is vital.
- Future proofing – are you future proofing your organisation and council policies.
- Three year budgets – give greater clarity about future.
- Local Area Agreements and service outcome measuring – huge opportunity to dovetail with making budget scrutiny more meaningful.
- For every £1 spent by council £4 spent in other local public services – how can we direct all £5 in one co-ordinated way, targeting the authorities values.
- Sometimes asking smaller questions identifies bigger issues.
- For members to see clearly they need officers to design systems that describe budgets in the language of member values and goals.

<u>Session 2 – Budget Scrutiny at Croydon</u>

Cllr Sean Fitzsimmons, Chair of Croydon's overview and scrutiny committee, discussed issues that have been important in budget scrutiny in Croydon:
- Strong cross party support for budget scrutiny.
- Accept that the majority party will have private discussion about the budget, it is important to drag this into the open meeting, look to get cross party consensus where possible.
- Important that the executive understand and are committed to getting scrutiny involved in the budget process.
- Scrutiny involved in the budget process throughout the year.
- Not to review the budget in isolation, link to service plans and business plans.
- Training important, especially in understanding the fundamentals.
- Experienced problems around getting 'settlement date' difficult to arrange scrutiny around this late settlement date.
- Be clear about what areas can be influenced by scrutiny.
- Working closely with finance department will help to get more effective budget scrutiny.

<u>Session 3 – Community Engagement in Budget Scrutiny</u>

Cllr Mark Ingram, Member of London Borough of Harrow Overview and Scrutiny Committee gave details of community engagement in the Harrow:
- Future budgetary consultative processes should be assessed against three criteria:
  - The success of disseminating knowledge in the community of the budgetary choices and pressures faced by the council.
  - The success of the process in generating a sense of ownership by the community of the budget setting process.
  - Is the process politically transparent?
- Corporate budget setting within the authority should ensure: meaningful and timely communication and consultation with those affected by budget, those responsible for managing budgets to be part of the budget construction process and formal cross-departmental working on departmental and budget planning.

<u>Session 4 – Budget Scrutiny at Hammersmith and Fulham</u>

Cllr Siobhan Coughlan, Chair of the Hammersmith and Fulham Leadership Scrutiny Committee gave her experience of budget scrutiny at Hammersmith and Fulham:
- Structure and support important: clear remit for each panel, dedicated officer support, chairs meet regularly, training for members, involving co-optees and invited experts, attendance by senior officers and relevant cabinet member, agree and capture recommendations at the meeting.
- They scrutinise finance through whole cycle of budget:
  - Corporate revenue budgets (quarterly)
  - Capital budget (quarterly)
  - Treasury management report (bi-annual)
  - Annual budget (overall and corporate items)
  - Audit
  - Annual Efficiency Statement
  - Annual Audit Letter
- Key areas for financial scrutiny:
  - Are finances aligned to council's corporate objectives?
  - Are there clear processes and procedures for financial management?
  - Are these applied consistently across the council?
  - Are Heads of Service accountable for their budgets and how connected are they to the outputs that are expected?
  - Are the relevant PI's monitored?

- Where there are significant overspends is this due to: insufficient budget allocation or poor financial management? Do members follow up on agreed action and monitor progress?
- Key factors for success include:
  - Increasing emphasis on management of resources
  - Effective scrutiny of finances to deliver council's key priorities
  - Clear accountability at both officer and member level
  - Working relationship between financial scrutiny and audit

MR 06/12/2005

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OS9 – Feedback from the member questionnaire regarding scrutiny, November 2005-January 2006

What do you think are the successes of overview and scrutiny at Merton over the **since it was introduced in 1999**?	What do you think are the failings of overview and scrutiny at Merton over the **since it was introduced in 1999**?
As Members have become more familiar with the role and function of scrutiny it has become more effective. It is my view that further work needs to be going on in this area, e.g. specified training/ workshops.	This is a corollary to question 1. As the role and function become more familiar.
Good work has been done and considerable commitment shown	But it is under resourced, not taken seriously enough by cabinet or senior officers
Decision making has become transparent, checks and balances of the executive	None really
Councillors being able to get involved in more detail of how the Council operates	In particular on Health Scrutiny - the involvement/scrutiny of health does not really have any teeth
Some scrutiny reviews - reassessment of some policies	Too long agendas
Gives backbenchers a key role in policy development and review	Greater focus needed on policy review and performance monitoring
We have all had a wide range of discussion within all the parties and there's no whipping which takes the pressure off an individual and makes our discussion more interesting.	We do not have pre-meetings as we did in the old committee system. Also cabinet makes the final decision
Stephen Lawrence Panel, Improved budgetary control, some improvements to cabinet recommendations, use of accommodation panel, some good work currently under way	Perhaps a little too nice. Failure to do anything about black holes like Stout hall, HR problems, over diffuse performance monitoring
1) It's brought issues to light which needed to be debated outside the political arena and it's tackled them; 2) It's far more useful to members than oppositionism; 3) It gives the public, officers, non- council organisations, and other authorities the chance to get involved in the local political process; 4) When done properly – either directly or by delegation to panels – it's a formidable tool.	1) It's often seen as a platform for non-cooperative opposition (and sometimes for protest within the ruling group). 2) There are still members from both sides who don't understand what it's meant to do, and occasional arrogance towards it from the Cabinet; 3) It worries too much about process & too little about outcome; 4) Officers tend to treat it like the old committees, especially when reporting, unless told not to; 5) It attempts to do too much, often too quickly & too late; 6) Unless you're careful it can get REALLY boring
(i) contributing to reviews of policy e.g over agency staffing, disabilities, premises as well as best value reviews (ii) contributing to the improvement of children's services through a dedicated committee (iii) incisive examination of the social services budget estimates last year (iv) contributing to decisions before they are made	The call in process, which should not be used routinely. The weaknesses are inherent in the original concept of scrutiny itself: it can mean that one set of officers are advising on decisions made on the advice previously given by another set of officers. In the alternative it can be used as a device for pursuing party politics by other means. When it first began in the previous council, it resulted in personalised confrontations. Fortunately this process has been the exception rather than the rule for the last 4 years.

How effective do you feel the overview and scrutiny function has been so far in the **current municipal year**?					Do you have an opportunity to contribute to the development of the commission/panel work programmes? If not, why not?	Do you feel that the commission/ panels have enough time to consider the agenda items properly? If not, why not?
Pre-decision scrutiny	Call-in	Policy reviews	Budget scrutiny	Performance monitoring		
Effective	Effective	Quite Effective	?	Effective	Yes, within the scope as a cabinet member	No, too much to cover even with greater prioritisation. Maybe the need to become more efficient/effective.
-	-	-	-	-	Yes, and having worked with Barbara Jarvis, this works well	No, too few meetings. Even when chairs take control of what is presented at one stage officers putting in so many reports no time to scrutinise. Like old style committee
Quite Effective	Effective	Effective	Quite Effective	Effective	Yes	Yes
Quite Effective	Quite effective	Not very effective	Not very effective	Not very effective	Yes, I work fairly closely with the Chair of Health and CS.	No, Sometimes the agendas are too long and the reports are so detailed
Not very effective	Not very effective	Effective	Quite effective	Not very effective	? Used to	No, too large
Effective	Effective	Quite Effective	Effective	Not very effective	Yes, close working between the Cabinet member and scrutiny chair is to be recommended.	Not sure. Prioritisation of key issues to be addressed and timetable to work within is essential for efficient working
Effective	Effective	Effective	Quite Effective	Quite Effective	Yes	No, Too many items on the agenda
Quite Effective	Effective	Quite Effective	Effective	Quite Effective	Yes, I chaired a panel which came up with some good proposals regarding making use of volunteers. It was well received/ praised but nothing came of it.	Not always, usually no problem.
Quite Effective	Quite effective	Quite Effective	Effective	Quite Effective	Yes	No - 1) Because we are by & large part-timers; 2) Because there's a narrow margin of rule and so much else to do: we have to spend a lot of time attacking/defending our respective positions instead of scrutinizing; 3) Because officers, who prepare the agendas, don't have enough time either
Quite Effective	Not very effective	Effective	Effective	Not very effective	Yes, This opportunity has been limited to commenting on outline programmes. Scrutiny has guarded its independence jealously.	Not for me to say

Has decision-making by the Cabinet been influenced by comments from the commission/ panels?	Do you feel that the quality of evidence presented to overview and scrutiny has been good? Has it met the needs of the session? If not, why not?	What do you see as the barriers to overview and scrutiny working more effectively?
Yes, need greater analytic processes	Yes, officer reports highly professional. However, maybe formatting of reports to facilitate discussion/ decision-making may be helpful	Need for greater understanding - role and function. Efficiencies.
No, even if a report accepted e.g. transitions, no evidence really of any effort to implement. We took a decision that cabinet endorsed to accept social model of disability - no staff know or what it means!!!	Obviously very varied. Most officers only present what they want councillors to hear. However good scrutiny officers are they don't always know who we should interview, particularly in the community. Very important for health and community care panel. All too often panel members decide who to talk to because officers don't know, e.g. Health and Transitions.	Funding, more quality staff, a real commitment throughout the council to making it work; cabinet taking it more seriously, more understanding by officers of what scrutiny is about
Yes, born out of my experience	Good	We need to watch the bureaucracy. The recommendations brought to full council on 30/11/05 should help.
Not always, especially on budget	In the main, yes - but if it is not there we will ask for more evidence.	The time it takes to complete them - staff may change, so may councillors
Yes	?	Too large agendas - not focussed. Commission not on task
Yes, When a team of people have invested time and energy into an issue it is important that the advice given is seriously borne in mind.	Not sure	Time constraints; The need to have an agreed priority programme that fits in with the business plan of the council; Good project planning.
No, we need to see reports from Council regarding our recommendations	Yes	Short agendas. Time allocated on each item
Yes and No - sometimes	Generally speaking, yes.	Sometimes we are bombarded with excessive amounts of paper (e.g. all the budget/ business plan papers). Sometimes too party political.
Yes	On the whole, evidence has been good. Where it fails is often in its interpretation (e.g. via interview), and occasionally where a witness 'performs' to the audience instead of telling it like it is. I like evidence best when it interacts, eg. When witnesses start arguing with each other	1) Long, tedious reports & agendas; 2) Ignorance and (small c) conservatism; 3) Time; 4) Politics
Yes, Cabinet frequently adopts the recommendations of scrutiny panels	Not in a position to comment	Time management and a belief on the part of members that much time is best used second guessing the work of the Executive

What would you like to see happen to improve overview and scrutiny in terms of a) structures in place and b) processes?	To ensure that the member development programme responds to the needs of overview and scrutiny, what skills do you think overview and scrutiny members need? Do you feel that past training sessions have provided these skills?
Support for members	Analytic/strategic skills
Taking notice if what we define as needed	Much more knowledge of what happens so can make real challenges to officers based on what is really going on, not what they choose to tell us
Reduce paperwork where possible, which could help to make the meetings more professional	I do believe that even given the comparatively recent introduction of scrutiny, more member training should have been given. Something to be considered for the next council in 2006 ??
More evidence of seeing the end product	Analytical, persistent, innovative, caring
Focussed agendas - outcome led	No training. Not sufficient
Think the structure is o.k.; Processes – see above	Knowledge of the key aims and objectives of the council; Understanding of what quality is?; An ability to see services from a client's perspective.; Understanding of :- Good practice elsewhere, Chairing skills, Project planning, Best Value, Time Management, Conducting research. Not sure how effective current training programme is or what it contains.
Making sure the agenda is well looked at by discussing and timing each item, cut down on paper work	More training is necessary if at all possible - evenings not day time
More rotation of chairships. Maybe opposition members should chair post-decision/ implementation/ performance monitoring issues and have joint control over agendas	Skills: quick readers; ability to identify subjects which would benefit from scrutiny; good analytical skills; persistence. Have past training sessions provided these skills? I don't think they have tried to. Many councillors have jobs which require these skills.
I think I gave an answer to this when I met Professor Leach. I'd stress 3 things: ALL reports to scrutiny need to be written in easy language & maths, and must be short; All long-term far-reaching plans (eg 3-year business plan, community plan, etc.) need to be taken outside of the panel structure and have dedicated away-days with all relevant scrutineers & officers present; The role of the Commission to be more defined; and Compulsory training	Training can't provide skills, only applied knowledge. We need as much applied knowledge as we can get our hands on, organised well in advance, using simple training techniques, on subjects we agree to.. and no, we haven't had that. At all times it must be remembered that members come from many different backgrounds, and that their only certain qualification for the job is that they've been elected to it.
More task and finish working parties looking at particular areas of the Council's work and making recommendations	Understanding of service quality issues within budgetary constraints

How would you rate the support provided by the Scrutiny Team?	How could the Scrutiny Team improve the way it supports overview and scrutiny?
Good - meets needs/ expectations	Attend to more specific/ individual support
-	This is difficult - Barbara and Foz very good. Rosemary Doyle very good but two people who succeeded her showed no interest or commitment to making it work, more interested in own careers.
Good - meets needs/ expectations	Keep up the good work.
Excellent - exceeds needs/expectations	-
Good - meets needs/ expectations	Less officer led/ biased
Good - meets needs/ expectations	By ensure that the training needs are satisfied, offering quality advice and information, steering the panels in the right direction, setting up the research needed and monitoring and evaluating the results of the working.
Good - meets needs/ expectations	-
Good - meets needs/ expectations	-
Good - meets needs/ expectations	You can probably answer that better than me!
Good - meets needs/ expectations	By working closely with policy and customer service officers in all parts of the Council to agree on an integrated programme for examining those aspects of service that are comparatively weak

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OS10 – Feedback from the Directorate Management Team meetings, January - February 2006

General positive comments

- Scrutiny helps the Council manage its business better.
- The relationship between overview and scrutiny and the policy unit is very helpful, for example with the business plan.
- Overview and scrutiny's work around equalities has been very good and members have enabled effective monitoring of equalities work and progress.
- The task groups work very well and enable members to get involved in in-depth work on an issue.

	Issue raised	Comment and suggested solution	Action required
1.	Members and officers need to note that overview and scrutiny is not the old committee system and should not be run/treated as such.	The member review group on scrutiny has flagged up the need to provide greater clarity for the scope and role of scrutiny. This will include clearer remits with specific expectations of what scrutiny will and will not incorporate as well as restating scrutiny's rights to determine how its work programme will be developed (for example not being required to look at each and every item coming forward relating to their remit). Panels will provide reference material setting out what it is likely to cover/ principles it will adopt in its work. This will provide a reference point for members and officers about the framework within which scrutiny operates.	• Reflect in Overview and Scrutiny Commission review report to full Council.
2.	A number of (L2/L3/L4) officers do not know what overview and scrutiny is, how it operates and what is required of them regarding scrutiny – there is a training need here.	The Scrutiny Team will develop a training package with reference information/guidance notes available online for officers to set out how they may be involved in scrutiny, what the expectations of them may be and where they can get support and advice about scrutiny. This will be incorporated into the officer training and development plan and/or the L2/L3 manager briefings (and may be linked to wider training opportunities about decision-making in the council) Sections/division will also be offered briefings/refresher training from the Scrutiny Team to update teams on the structures and processes in place for scrutiny and how these may affect their work areas.	• Scrutiny Team to develop training package and support material and to publicise throughout organisation • HR to incorporate into the officer training and development plan.
3.	There is also a training need for officers about techniques for how to approach formal public meetings and members, e.g. meeting etiquette, how to respond to members, etc. A number of officers have little interaction with members and did not work under the old system where they would have had more experience appearing before members.	There is a link to the point above and elements of this will be incorporated into wider training on scrutiny meetings specifically. HR may wish to take this further by developing generic training on this.	• See #2 • HR to consider if wish to take further.

4.	There is not a strong relationship between scrutiny (team) and the departments The relationship and communication between the departments and scrutiny needs to be developed.	The external review of scrutiny recommends that there be a "series of 'link officers' from each of the main service dimensions within the council, to operate as a support mechanism for the Scrutiny Team in providing information, advising on policy options" Regular meetings between Scrutiny Team and link officers should be held to flag up issues coming forward/queries about scrutiny involvement. Departments may wish to discuss what is the best way of developing this communication flow for them – i.e. link officers and/or lead scrutiny officer attending DMT meeting once a month to discuss forward planning?	• Reflect in Overview and Scrutiny Commission review report to full Council. • Departments to identify link officers/system want to use. • Meetings to be arranged.
5.	How should officers know which items on the forward plan should/should not be sent to scrutiny? There is a sense of 'unwritten rules' guiding which matters member want to scrutinise. It is also frustrating that members ask 'why have you brought this report to us?' when they asked for it!	There will be a greater emphasis on close working with the chair, vice-chair and wider panel membership to ensure that they are aware of the timing and subject matter of decisions coming up throughout the year. Furthermore, chairs/vice-chairs will have a better understanding of what the issue is, why it is there at that time and what the panel needs to do with it. Departments should liaise with the Scrutiny Team to ensure that issues are on the radar so that planning can reflect the need (or not) for scrutiny involvement. The work set out under #1 will support this further by providing a clearer understanding for officers about the role of scrutiny. The link officers (#4) will also develop a working relationship that will enable better planning on this.	(Also see #1 and #4)
6.	The responsibility for scrutinising housing issues has transferred to the Regeneration & Public Realm Panel's remit – since then there is a sense that this area is not looked at in detail.	Action under #1 and #5 will help to address this. Also the member review is looking at the distribution of remits across the panels and this will be fed into this work.	• Feed into the member review work

7.	Officers are keen to know what information members want from them – currently they get mixed messages and vague requests	A new training and development scheme will be developed for members and this will incorporate work around their responsibilities as scrutiny members to be clear and focussed about what they are scrutinising, where there are gaps in the information provided to them, what information they need to fill those gaps and what they intend to do with this information. The need for clarity and structure in their requests will be stressed to members, particularly the chairs as part of their specific role. The Scrutiny Team will also help to support members on this matter and seek clarification if needed. Action under #1 and #4 will also support this further.	• Reflect in guidance and training & development for scrutiny members
8.	Meetings do not seem to be structured; discussions do not stay on the matter in hand and the panel does not seem be clear about what they want to get out of the session. The chair could make a big difference to this	It is the role of the chair to ensure that meetings are managed effectively and it is important that chairs are offered guidance and training opportunities to enable them to develop and improve these skills - this will be reflected in the Member Development Plan currently being constructed. The external review of scrutiny also recommends that panels hold pre-meetings to agree the key issues on each item on their agenda to help focus the group and provide structure to the sessions. The Scrutiny Team will also help to support members on this matter.	• Reflect in Overview and Scrutiny Commission review report to full Council. • To be passed to the working group developing the Members Development Plan for the next council cycle
9.	Scrutiny as a whole does not seem to have a clear idea about what impact they want to make on the direction of the council. Rather than looking forward they seem to focus on past decision making. There is no new thinking – no added value. Often it seems that members provide a critique on the document put before them, rather than scratching below the surface to look at what the proposals will this mean for the council at the strategic level. Scrutiny criticises but doesn't tend to put forward what should be done instead.	Part of the member review is looking at what is the role/purpose of scrutiny and what is its contribution to the authority. This will lead to greater clarification of roles and responsibilities when undertaking scrutiny of different issues. There will also be a dedicated scrutiny development programme that will help members to gain and improve skills to support this role. As mentioned in #8, there is also a recommendation that panels hold pre-meetings to agree the key issues on each item on their agenda to help focus the group and provide structure to the sessions. The Scrutiny Team will also help to support members on this matter.	(See #1 and #8)

10.	The training provided to members needs to cover service specific issues	Agree.	• To be passed to the working group developing the Members Development Plan for the next council cycle.
11.	There is a need for overview and scrutiny to monitor their previous work and to track the impact of their recommendations	This had been acknowledged both by the external and member reviews of scrutiny. The member review report will put forward a recommendation for a more formal and structured mechanism to monitor the implementation and impact of their recommendations. It is also important that officers are forthcoming about what progress they are making in implementing decisions stemming from scrutiny reviews to provide feedback to members.	• Reflect in Overview and Scrutiny Commission review report to full Council.
12.	What relationship does scrutiny have in relationship with the LSP?	At this stage the relationship is undefined. Whilst it is not anticipated that the member review report will put forward suggestions for how scrutiny arrangements for the LSP should be established (the scale of this piece of work was too great to be included in this project), it will flag this up as something to be resolved early in the next municipal year.	• Reflect in Overview and Scrutiny Commission review report to full Council.
13.	Is there/ should there be a link between scrutiny and area forums?	There should be a link between scrutiny and local representative groups – whether area forums, residents associations, or the emerging ward networks – regarding suggested topics for scrutiny, feeding in views and comments to scrutiny reviews and receiving information about what outcomes scrutiny achieves and thus will be reflected in the member review report.	• Reflect in Overview and Scrutiny Commission review report to full Council.
14.	The Overview & Scrutiny Commission is currently responsible for performance monitoring but it is not always clear why it is there or how they can use this information. It would be helpful for performance information to be considered by the panels – to link up with the expertise the panels amass in their other work areas, i.e. reviews	The external review of scrutiny also picked this up, suggesting that performance monitoring be devolved down to the panels. The member review report will put forward suggestions for a mechanism for this to operate at this level (having developed this with the Performance and Improvement Team)	• Develop mechanism for performance monitoring to be undertaken by the panels • Reflect in Overview and Scrutiny Commission review report to full Council.

15.	There are problems with having to respond to queries about performance monitoring information at scrutiny when it could be 8+ weeks out of date and things have moved on and improved since then.	Unfortunately there will always be some sort of time lag between the period the data relates to and when scrutiny looks at it because the report needs to go through CMT and cabinet before it gets to scrutiny. However, the performance team and departments are working on reducing the time taken to pull together performance data so this will help. Also, we can look at the calendar of meetings to see if we can reduce the time period between cabinet and scrutiny meetings.	• Assess calendar of meetings to fit in with reporting times for PM information.
16.	Members seem to want to scrutinise issues that are particularly of interest to them, and have no interest in other matters coming through that do not relate to those issues. How can we make sure that review topics reflect wider issues and add value? It could be helpful for scrutiny to have a greater role in strategic policy development/ examination.	There will be a greater emphasis on gathering suggestions for topics for review from a wide range of sources: community groups, voluntary sector, officers, members, residents, consultation feedback, etc. Topic selection will also be devolved to the panels so there will be a wider debate about how suggestions should be prioritised against an agreed set of principles/criteria and taken forward. Action under #1 will support this further.	• Scrutiny Team to lead consultation exercise to gather topic suggestions from wide range of sources • Reflect in Overview and Scrutiny Commission review report to full Council.
17.	It is not clear when cabinet members should attend scrutiny meetings and what their role is when they do attend. Note that there are circumstances where it is not appropriate for officers to be responding to questions instead of cabinet members.	There is a need for clarity about the role and responsibilities of cabinet members and their involvement in scrutiny. There is also a need for scrutiny members to be clearer about their expectations with regard to witness selection for discussions at scrutiny. The external review of scrutiny also picked this up and the member review report will include a set of principles to be applied in these circumstances.	• Reflect in Overview and Scrutiny Commission review report to full Council.
18.	Officers are not clear about who should attend a scrutiny meeting to speak to a given item	There is a link to #16, as members will be asked to state which witnesses they want to attend, whether members or officers. There is also a need for officers to give advice on who in the department is best placed to respond to queries about an item and to consider whether more than one officer is needed if an item covers a number of areas, e.g. finance reports. This will be picked up by the link officer relationship (#4) and general communication between the report author and the Scrutiny Team.	• (See #4 and #16)

19.	Departments do not always see the information on agendas	If the report is prepared by your department and then passed to the Scrutiny Team for inclusion on an agenda/sent out to members then we would expect that systems are in place/and have been followed within the department to get that information signed off before we receive it. If it relates to information compiled by other sections – e.g. performance/finance information – again we would assume that the department would have agreed it before passing it on to the author of the compilation report. Therefore the role of the Scrutiny Section here would be to ensure that the Directors, link officers (identified in #4) and attendees receive a copy of the agenda papers.	• Scrutiny team to circulate meeting papers to attendees.
20.	Ways of sharing information with members are not confined to submitting a report to a scrutiny meeting	Scrutiny is generally not a forum for 'for information' report and there are more effective ways of sharing this and other information than by sending it to overview and scrutiny, for example workshops for getting across technical information/ contextual issues driving policy making e.g. budget.	• Reflect in Overview and Scrutiny Commission review report to full Council. • To be passed to the working group developing the Members Development Plan for the next council cycle
21.	Generally task groups have worked very well and have produced valuable work. However, task groups have had problems with completing the reviews within the agreed timescale and there is also a potential for greater impact in this area.	Task groups are identified as good structures to run scrutiny reviews due their flexibility in terms of meeting times/venues and allowing members to get deeply involved in the issues they are reviewing. There have been examples of reviews running well over the intended timescale but lessons have been learnt from problems experienced in the early days of scrutiny. The member review report will recommend that the task group approach should continue to be used but will also develop good practice guidance for conducting reviews.	• Reflect in Overview and Scrutiny Commission review report to full Council.

22.	Timing of meetings is problematic for a number of reasons • A lot of information has to go through cabinet before scrutiny so there can be delays if the meetings are a long time after cabinet • Scrutiny meetings seem to fall very close to each other, which makes it difficult if you have to go to more than one panel. • Can they be held during the daytime/ early evening instead? It is difficult to have detailed discussions at nine/ten o'clock at night.	There is a great deal of sympathy with these views. As this is a member decision to make this will be passed on to the member review group for discussion about scrutiny meetings and Member Services for consideration about the wider calendar of meetings.	• Pass on to the member review group for discussion about scrutiny meetings • Pass on to Member Services
23.	In the past, committee coordinators (before they became scrutiny officers) on occasion directed questions to witnesses – this caused some confusion about whether the witness should respond and to whom. There is a need for clarification.	My view is that the Scrutiny Team may seek clarification for their notes, but generally speaking this should be directed through the chair. I do not think it is appropriate for a scrutiny officer to pursue a line of questioning with a witness at a meeting. The role of the Scrutiny team will be explained in the Scrutiny Guide and can be included in the officers' guide.	• To be clarified in guidance documents
24.	Panels are seen to be more effective than the Overview & Scrutiny Commission and their thematic structure is clear. There is confusion about the role of the Overview & Scrutiny Commission.	It is intended that the overall structure of scrutiny will not change radically but that there is be a change in the roles that the panels and commission will take on. This will be clarified and information will be made available in a variety of formats (see #1, 2 and 4)	• Reflect in Overview and Scrutiny Commission review report to full Council.
25.	There is a lack of understanding/ knowledge about what decisions are taken/what comes out of Scrutiny. There is a wider issue about how are officers supposed to keep up to date about decisions taken by member forums across the Council.	We are redeveloping the scrutiny web pages to provide more information about what happens in scrutiny and assessing how we can publicise/promote scrutiny outcomes. Also, comments coming out of scrutiny are now submitted to cabinet (or whichever forum) as distinct reports to highlight what came out of scrutiny.	• Scrutiny Team to redevelop web pages and consider how to make officers aware of what comes out of scrutiny • Also to be passed to Democratic Services re wider decision-making information

26.	At times, scrutiny members can use their position to 'play to the gallery' and avoid being associated with unpopular decisions, however unavoidable they may be. This can lead to officers being inappropriately questioned and 'blamed' for these decisions. This is not only uncomfortable for those officers but has on occasions left them in a distressed state.	This brings up a number of issues: 1) There is a need for effective chairing (also see #8) to ensure that discussion and debate within a scrutiny meeting is appropriate and that the meeting does not get out of hand; 2) It is also important that the appropriate witness is present to respond to queries, whether a senior officer or cabinet member (also see #17) 3) It is important that scrutiny members are clear about what is and is not appropriate in terms of questioning behaviour at meetings. Training will be developed on this specifically as part of the member development plan	• See #8 and #17 • Reflect in guidance and training & development for scrutiny members

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OS11 – *Review of Overview and Scrutiny in the London Borough of Merton* Report by Professor Steve Leach, De Montfort University, January 2006

Introduction

1.1   In September 2005, I was commissioned by the LB of Merton to carry out a review of its overview and scrutiny function. The methods used included documentary analysis, observation of meetings, and interviews and focus groups with councillors and officers who play significant role in overview and scrutiny. Much of the research work was carried out in the week commencing 5 December 2005.

1.2   In the report, criteria for assessing the effectiveness of scrutiny are first set out. The strengths and weaknesses of the overview and scrutiny function in the London Borough of Merton are then identified and discussed. From this analysis, a set of recommendations for improving the effectiveness of the function are drawn up and justified. In developing these recommendations, I draw on my experience of overview and scrutiny research and consultancy in a range of other authorities, but the proposals are tailored to the specific circumstances of the London Borough of Merton. There are no 'scrutiny blueprints'. All authorities are unique, and concepts of 'good practice' from elsewhere should be transferred only if they are appropriate.

1.3   The London Borough of Merton is currently undertaking its own internal review of the overview and scrutiny function; indeed I interviewed several members of the task group which is carrying out the review. This juxtaposition of 'internal' and 'external' perspectives will be helpful in highlighting both similarities and differences of interpretation, and should both stimulate a lively debate and lead to a robust programme for change.

1.4   I am grateful for the co-operation I received from all the members and officers whom I interviewed, or who participated in focus groups, and in particular for the help provided from Kate Martyn, Scrutiny Manager, in organising and facilitating my programme of work in LB Merton so ably.

What is effective scrutiny?

2.1   Before one can analyse the performance of overview and scrutiny in an authority, it is clearly important to establish criteria of effectiveness. How would we distinguish good (or effective) scrutiny from poor (or ineffective) scrutiny, and how would we recognise it if we saw it?

2.2   What is effective scrutiny? There are a number of possible criteria that have been developed. The ultimate 'effectiveness test' for scrutiny is whether the decisions (or policies or services) which result from its intervention are better than those which would have resulted had that intervention not taken place (and been accepted). However the problems of demonstrating that one decision (or policy or service) is better than another is fraught with difficulties, particularly in the short-term. What can be ascertained is the extent to which decisions are changed, services modified and policies introduced or amended **as a result** of the scrutiny process. There may also be significance in the extent to which such decisions are seriously reconsidered, even if not eventually changed (i.e. it could be argued that such decisions are better informed than they would otherwise have been). There is also a cost-benefit dimension to scrutiny effectiveness – the level of investment in the function should be commensurate with the level of benefit generated for the authority.

2.3 Scrutiny can also be considered to be effective if it improves the **democratic process** of decision-making, for example by improving the quality of debate (new evidence, new arguments, greater openness, more external participation) or by initiating debate that would not otherwise have taken place. A further gain in process terms might be a greater degree of non-executive councillor motivation (and sense of empowerment) as a result of involvement in the scrutiny process. Thus scrutiny can be effective in both **outcome** terms (albeit indirectly assessed) and **process** terms or both.

2.4 The comments of the CPA reports on overview and scrutiny in a range of authorities imply the following criteria (from their perspective).
  (i) **Openness**, exemplified by the use of opposition chairs, a preparedness to challenge (policy review/performance monitoring) and accessibility of relevant information.
  (ii) **Willingness to develop the scrutiny function** exemplified by a commitment to training, and dedicated professional officer support.
  (iii) **Process attributes**, including appropriate use of call-in, outcome-focus, a citizen-centred approach and use of external expertise.

  The CPA reports also indicate a series of more specific 'performance requirements' for overview and scrutiny which are used in the process of assessing council performance.

2.5 The Centre for Public Scrutiny has identified four principles of good scrutiny (CfPs Good Scrutiny Guide 2004). Good scrutiny should
  (i) provide critical friend challenge to executives as well as to external authorities and agencies (holding to account)
  (ii) reflect the voice and concerns of the public and its communities (engaging the public as active citizens)
  (iii) take the lead and own the scrutiny process on behalf of the public (links here to community leadership and effective representation)
  (iv) make an impact on the delivery of public services (performance/quality assurance)

2.6 The implications of these various criteria are that
  (i) Scrutiny should be challenging in the way it holds the executive to account.
  (ii) It should contribute to problem-solving and service improvement.
  (iii) It should incorporate a high level of stakeholder and public engagement.
  (iv) It should focus on longer-term strategic issues, in alignment with the council's priorities.
  (v) It should investigate, where appropriate, issues of public concern, even where the council is not the lead authority in dealing with them.

  In meeting these criteria, overview and scrutiny faces a difficult 'balancing act' between on the one hand 'holding the executive to account' and on the other 'supporting it in its work' – the 'critical friend' dilemma.

2.7 Previous work on overview and scrutiny has identified five conditions which have to be met if the function is to be effective. These are as follows:
  ❖ An **executive that is responsive to** the work of overview and scrutiny.
  ❖ The preparedness of **all parties to work together** on overview and scrutiny committees.
  ❖ The existence of **effective scrutiny support**, both in the form of a dedicated unit, and from the senior officer structure as a whole.
  ❖ An **effective mode of operation** within overview and scrutiny committees, including agendas, venues and ways of working.

❖ A **sense of ownership** on the part of overview and scrutiny committee members, linked to an understanding of the potential of the function and an appropriate skills-base to carry it out effectively.

2.8 It is important also, at this stage, to clarify the different roles which overview and scrutiny can play. There are several classifications which have been developed including the version set out in Figure 1 below:

Figure 1

Role opportunities for overview and scrutiny
❖ holding executive to account
- call-in powers
- scrutiny of past performance or decisions
- performance review (including budget)
- policy review (if initiated by scrutiny)
❖ supporting the executive in its work
- pre-decision scrutiny
- budget formulation
- policy development or review (if initiated or supported by executive)
❖ external scrutiny
- statutory role in relation to health
- issues of public concern in the area
- progress of partnership working

2.9 There are two points to emphasise. First there needs to be some kind of balance between the three major roles – holding the executive to account, supporting the executive and external scrutiny – although the balance between the three roles will vary depending upon the characteristics of the authority (CPA performance, political climate, nature of the strategic priorities). Secondly for scrutiny to be effective, it has to be selective, singling out the more specific roles under each heading where it feels there is most potential for adding value. For example pre-decision scrutiny is feasible in some authorities, but not in others; involvement in budget formulation, likewise.

Overview and Scrutiny in Merton : Strengths and Weaknesses

3.1 Drawing on the CPA and IdeA peer group reports, there is a sense that overview and scrutiny in LB Merton is improving. The 2002 CPA Corporate Governance Inspection was critical of the quality of the written reports presented to scrutiny (and indeed, cabinet) and concluded:

"The meetings we observed involving members did not show appropriate challenge and do not always hold officers to account over key priorities ….. challenge in a constructive and non-confrontational way is important in ensuring policies and service performance is meeting the Council's strategic objectives, especially in the scrutiny process". (Audit Commission, 2002, p 20).

3.2 The IdeA peer group of August 2005 reached the following conclusions (para 51).
- There is positive working across the political groups in delivering scrutiny
- The role of scrutiny is growing within the authority

However
- There needs to be much wider engagement of elected members in council activities – including an enhanced role for scrutiny and greater access to information on delegated decisions

- The council is likely to benefit from the Opposition being provided with greater opportunities to contribute to the council's business
- There is a very high level of delegation to individual members of the cabinet, thus reducing its collective effectiveness

3.3 The final point – high level of delegation to individual cabinet members – is no longer so relevant, as this delegation arrangement has been largely rescinded, and the vast majority of cabinet decisions are now collective.

3.4 This overall sense of scrutiny strengthening its profile and impact was confirmed by my own impressions. There is evidence of good practice in LB Merton, and there are several strengths (see below) in the way in which overview and scrutiny is approached in the borough. The CPA point about lack of challenge has clearly been taken to heart – there was plenty of challenge (most of it constructive) in three of the four overview and scrutiny meetings I observed.

3.5 However there remains considerable scope for improvement. No-one I interviewed felt that scrutiny was working effectively. Both councillors and officers involved found it easier to identify problems than strengths. There is a general sense of frustration that the significant resources devoted to overview and scrutiny in Merton (e.g. numbers and duration of meetings, demands on officer time, lengthy agendas) is not commensurate with the limited impact of the function.

3.6 Strengths of Overview and Scrutiny
- ❖ There has been a growing recognition of the value of 'task and finish' groups, looking in depth at a particular topic of concern. Some valuable reports have been produced (the report on procurement was much referred to) which have often had a significant influence on policy.
- ❖ The policy review reports which emerge from the task-and-finish group projects have a distinctive identity and format, which clearly differentiates them from formal reports to cabinet and to the scrutiny commission and panels.
- ❖ There exist explicit criteria for the selection and prioritisation of in-depth review topics, and efforts are made to scope such exercises in a helpful way.
- ❖ There is a clear procedure which requires the cabinet to respond to the recommendations of the Policy Reviews carried out by task-and-finish groups.
- ❖ The principle of an involvement by overview and scrutiny in the formulation of the budget has been accepted and put into operation (unlike many authorities). There remains however an issue about whether the most appropriate means of involvement has been identified (see 3.8 below).
- ❖ There is a restrained approach to party politics in the panels (with the occasional exception) and certainly in the task-and-finish groups, which facilitates productive working. This point cannot however be made in relation to the Scrutiny Commission.
- ❖ There is a dedicated scrutiny support unit, which will hopefully prove stable in staffing terms, with a clear link to the Assistant Chief Executive.
- ❖ There is a recognition of the important role overview and scrutiny can have in relation to performance monitoring and review, and a task group has been established to carry out this role.
- ❖ There is an increasing use of 'pre-decision' scrutiny, whereby overview and scrutiny panels can influence cabinet discussion prior to a decision being taken.
- ❖ There has been an increasing (albeit selective) predisposition to involve the public in scrutiny reviews, most notably in relation to 'youth engagement', and the work of the Health and Community Care Services Panel.
- ❖ There is a recognition in some panels – notably Health and Community Care Services – of the need for robust challenge of reports and witnesses when appropriate.

3.7 All these strengths are important and should be maintained or developed in any change programme which is agreed. But many of them are at a relatively early stage of development (e.g. budget formulation, performance monitoring and review, public involvement) and others are more apparent in some panels rather than others (e.g. the capacity for constructive challenge, the use of pre-decision scrutiny). The main strengths which have developed a convincing track record reflect the work of the task-and-finish groups and the quality of the work they sometimes (although not always) produce (see first four bullet points on the list in 3.6 above). These strengths should be recognised, but not seen as a cause for complacency. There is much that remains to be done to improve the effectiveness of overview and scrutiny in Merton.

Weaknesses of Overview and Scrutiny

3.8 It is true that overview and scrutiny in LB Merton has made **some** positive contributions in relation to each of the main scrutiny roles – holding the executive to account; supporting the executive in its work; and external scrutiny. The problem is that it has not carried out any of these roles with clarity of purpose or consistency, and much of the work of the Commission and the panels has lacked a sense of priorities and direction. As a result, overview and scrutiny has failed to gain the necessary level of interest or commitment amongst non-executive members to enable it to fulfil its potential. The point made by IdeA peer review about the need for a much wider engagement of council members in overview and scrutiny is a valid one.

3.9 The underlying problem which creates confusion and inhibits positive development is a complex and unwieldy set of structures, processes and ways of working. All these features of overview and scrutiny are amenable to change by the council, so in this sense, the capacity for improvement is very much in the council's own hands.

3.10 The capacity to **hold the executive to account** is inhibited by a confusion about what the appropriate relationship between the cabinet and overview and scrutiny should be. The usual metaphor deployed to characterise the relationship is that overview and scrutiny should be a 'critical friend' to the executive. In practice overview and scrutiny in Merton is neither particularly critical nor particularly friendly.

3.11 The fact that the chair of the Scrutiny Commission is a member of the majority party and attends meetings of the pre-cabinet strategy group is helpful in relation to developing a capacity for overview and scrutiny to support the executive, but problematical in terms of its capacity to hold it to account. Whatever the qualities and integrity of the member holding the post, there will always be a perception on the part of the opposition that this personal link with the cabinet may on occasions be used to limit the possibilities of political embarrassment. The use of the chair's casting vote to prevent the calling-in of the Mitcham academies proposal is an example of the way in which opposition members will tend to be sceptical of the chair's motivation, whatever the intrinsic arguments surrounding call-in (and it is acknowledged that in this case, there were complex issues about whether call-in could technically be justified). In these circumstances, it is important to consider different options for the allocation of the chairs of the scrutiny commission and the panels (see 4.19 – 4.21 below), to provide a greater degree of independence from the cabinet.

3.12 The sense of ownership of overview and scrutiny on the part of opposition members is likely to be enhanced if there is a proportionate sharing of positions of responsibility (which would also lessen the perceived case for pre-meeting group meetings). The operation of party politics was apparent at the Scrutiny Commission meeting I witnessed (and I was told, at most Commission meetings). Explicit party politics makes effective scrutiny more difficult.

3.13 The call-in procedure is also problematic in LB of Merton. The use of a filtering process at each meeting of the Scrutiny Commission where call-ins have been tabled is no longer necessary nor appropriate, given the relative sparsity of call-in requests. Any call-in which meets the criteria set out in constitution (and there should be a 'presumption in favour' of this outcome) should go forward for debate, so at least there is an airing in public of the issues concerned. Ideally, if there is a logical 'case to be answered', the call-in should go through to the cabinet, and receive a detailed response. So long as call-in is used responsibly (in reality, primarily by opposition members) then this would be a healthy democratic outcome (with the cabinet of course retaining the decision-making authority). In practice, given the basis on which voting takes place in the Scrutiny Commission, this is only very rarely the outcome which ensues (excepting the 'special case of CPZ's').

3.14 The potential for overview and scrutiny to **support the cabinet in its work** is realised from time to time (e.g. over procurement) but not in any structured or consistent way. If there were a clearer liaison mechanism bringing together members of the cabinet and the Scrutiny Commission, then the capacity for this kind of support role would be strengthened. The advantage for overview and scrutiny is of course that any piece of work which the cabinet wanted them to do would be likely to have an impact. Currently the relationship between the two functions is underdeveloped.

3.15 There are two further aspects of this unclear relationship. First, although there is a procedure whereby the cabinet responds to Policy Review reports submitted to it following the work of task groups, for other recommendations emanating from overview and scrutiny, there is no such procedure and I was told of instances where no response appeared to have been made to such recommendations. This is clearly an unsatisfactory situation. Secondly there is no consistency in the expectations concerning the attendance of cabinet members at the overview and scrutiny panels with which they have a relationship. There are panels which expect regular attendance for the full duration of their meetings, and panels who wish attendance only for specified items. There are cabinet members who choose to attend panel meetings on a reasonably regular basis and those who prefer not to attend, even when requested to do so. This variation illustrates the uncertainty which exists about the parameters of the relationship.

3.16 With regard to **external scrutiny**, the Health and Community Care Services panel has developed a proactive role in scrutinising health issues which have a direct bearing on the welfare of the local population, or of particular groups within it (including the proposed location of the critical care hospital in Sutton rather than St Helier). The other panels and the Commission have however concentrated on reviewing or scrutinising council responsibilities. There has been little if any readiness to respond to public concerns about issues which do not fall within the remit of the council's responsibilities.

3.17 As noted earlier, at the root of these difficulties in identifying priorities and carrying out any of these roles effectively is a cumbersome and sometimes counterproductive set of structures, processes and practices for undertaking overview and scrutiny. Five key weaknesses can be identified here:
   ❖ The role of the Scrutiny Commission and its relationship with the scrutiny panels.
   ❖ The way in which overview and scrutiny agendas are drawn up and interpreted.
   ❖ The conduct of Commission and Panel meetings.
   ❖ The lack of a process for monitoring the progress of scrutiny outputs.
   ❖ The lack of readiness to draw the public into overview and scrutiny.

3.18 <u>The Scrutiny Commission/Scrutiny Panels relationship</u>
Overview and scrutiny needs some form of co-ordinating mechanism, to ensure that there is a coherent programme, and that there is consistency in the way in which the different panels operate (whilst allowing for some flexibility of operation). It is also of

great potential use as a forum to share best practice among scrutiny panels and identify lessons learnt from scrutiny reviews, in addition to acting as a channel of communication with the cabinet. For the above reasons the Scrutiny Commission in LB of Merton is **in principle** a useful piece of organisational machinery. However in practice, there are significant problems relating to its powers and the way it operates. First its role and purpose are unclear, even to some of those who are members of it. Secondly the extent of its powers over the overview and scrutiny panels are much greater than those enjoyed by similar 'overarching' scrutiny arrangements in other authorities, and could be regarded as unnecessarily excessive. What is the 'added value', for example, in the requirement that the Commission has to approve the report of a task-and-finish group which has carried out a policy review (and which has already been approved by the relevant overview and scrutiny panel) before it goes to cabinet? If the Scrutiny Commission has sole control of the work programme, does this not place an unnecessary restriction on the scope of panels to identify topics for in-depth study?

3.19   The Scrutiny Commission also suffers from the two major defects of the way in which the panels work (see below) – lengthy and often inappropriate agendas and a traditional 'committee-like' mode of operation, which is in most circumstances inappropriate as a vehicle for effective overview and scrutiny. The fact that meetings are held in council chamber is also inappropriate, with its formalistic setting contributing to the tendency for party politics to play a more overt role in the Commission's deliberation than is appropriate. The chair of the Scrutiny Commission has a vision of how the Commission and the Panels could and should operate, but currently there are powerful traditional forces in operation which inhibit its realisation.

3.20   <u>The content of overview and scrutiny agendas</u>
The nature of the agendas of most overview and scrutiny meetings (Commission and Panels) are in many ways inappropriate and not conducive to effective scrutiny. They look, in most cases, like traditional service committee reports in layout and style, encompassing lengthy reports with recommendations that are often unclear about what exactly the panel is supposed to do with them. Panels are sometimes recommended to 'note' the contents of a report, sometimes to 'endorse' them and sometimes to 'comment' on them. At one of the panel meetings I attended, when the chair in introducing an item remarked 'I assume everyone has read this report' (which was over 100 pages long), the response of one committee member was 'no, I don't have the time to read reports like this; what I need is a 3 page summary which identifies the key points we need to consider'. That view is a valid and understandable one, which was echoed in several of the focus groups by comments from members who clearly felt similarly frustrated by the weight of paper that dropped through their letter boxes prior to panel meetings.

3.21   The underlying problems here is that the mechanisms for controlling and properly structuring the agenda are inappropriate. Items may be tabled because directorates wish them to be (sometimes without the knowledge of the scrutiny support unit, who are presented with a 'fait accompli' when the agenda is published). They are sometimes tabled because the chair of the panel requests it, without always having thought through its appropriateness for overview and scrutiny. Indeed there is a tendency amongst some panel chairs (and members) to want to review comprehensively the current key decisions and policies which are emerging from the relevant directorate(s), which is clearly impracticable. It is not uncommon for officers to submit reports to panels before they go to cabinet (thus enabling them to demonstrate that they have 'consulted', and that their report has received endorsement), which in turn fuels panel members' assumptions that this is what they are there to do.

3.22   The confusion over the content of agenda (and hence the role of overview and scrutiny panels) was well-illustrated by two meetings which I witnessed. At the meeting of the 'Regeneration and the Public Realm' panel on 7 December 2005, most of the time was

taken up by the consideration of a report on a proposed allocation of grants to the Voluntary Sector, which the panel was recommended to 'endorse', prior to its consideration by cabinet. Four representatives of voluntary sector organisations were present and permitted to present arguments as to why they should be allocated a grant (contrary to the recommendations in the report) or why the grant was insufficient. There was a good deal of confusion about the way in which the criteria for allocating grants had been applied, and about council policy regarding 'notional rent'. After nearly two hours of relatively unproductive debate, the item was referred to the meeting of the Scrutiny Commission the following week, on the basis that the panel did not have the requisite information to make a recommendation, particularly in relation to the arguments made by the four voluntary sector groups involved.

3.23 At the Scrutiny Commission meeting on 13 December 2005, there was a similar experience. The grants paper occupied nearly two hours of an agenda where the priority issue was supposed to be the draft budget for 2006-2007. Three different voluntary sector groups turned up and made presentations. Despite having received additional information (about the groups who had appeared on 7 December) the Commission also came to a view (with some justification) that it was not well-informed enough to make specific recommendations. It ended up 'referring on' the arguments made by the aggrieved group to the next cabinet meeting.

3.24 The key issue here, of course, is why this item was on the agenda in the first place. As the Chair of the Scrutiny Commission rightly pointed out, it should not be the job of an overview and scrutiny panel to act as a 'court of appeal'. A piece of work reviewing the **criteria** of grant allocation would have been appropriate, but that was not what the panel was being asked to do. The experience of the two meetings illustrates sharply the point about the confusion over agendas.

Conduct of panel meetings

3.25 The legacy of traditional service committee meetings is also prevalent in relation to the conduct of overview and scrutiny meetings. The mode of chairing is traditional (with the possible exception of the health and social care panel), as is the way in which officers present reports. What then typically follows is an opportunity for questions, which normally involve 'points of clarification' or detailed comments on individual elements of a long report. The report is then noted, or endorsed, or commented upon, but with little or no added value, apart possibly from a tick in someone's 'consultation' box.

3.26 Nor are the seating arrangements conducive to effective scrutiny. This is true of the council chamber, which creates precedents of formality and adversarial party politics. In the Committee Rooms, the usual 'square table' format does not facilitate the process of differentiation between councillors and officer, nor the process of challenge (although in one committee the challenge **was** facilitated by the seating arrangements. I suspect fortuitously!) In this way too, there is a strong sense of traditional committees in action. But of course scrutiny panels are not traditional committees!

3.27 Taken together, the nature of agendas and the conduct of overview and scrutiny meetings act as a barrier to effective scrutiny in LB of Merton. The business of the panels and Commission does not appear to be prioritised, partly because no-one seems to have overall control of the agendas. Clear recommendations which reflect evidence-based arguments rarely emerge (except in the case of the task-and-finish groups). The considerable degree of preparation and administrative and member time that is involved in these meetings results in comparatively little in the way of 'added value'.

Progress monitoring

3.28 From the perspective of effective scrutiny, there are three important criteria here. First the cabinet can reasonably be expected to respond to any recommendation from a scrutiny panel or commission within a specified time period.   This expectation is currently met in relation to in-depth policy reviews, but not in relation to other recommendations (although it has to be said that there are not many substantive recommendations emerging from the normal processes of panel or commission working).   Secondly, it is reasonable from an overview and scrutiny perspective that progress in implementing a recommendation which has been accepted by the cabinet should be monitored.   This does not appear to happen: comments were made to me which indicated that after cabinet has accepted a report 'we never hear anything more about it'.   Thirdly, for certain types of **policy** report, it is a reasonable expectation that overview and scrutiny should be kept informed of the impact of the policy.   For example the impact of the policy recommendations in the report on procurement which have the potential to save the council considerable sums of money, should be monitored and reported back to the panel which organised it.   Although impact monitoring is not feasible for all such reports, where it is feasible it should take place, not least because of the potential to motivate panel members ('we've saved the council £x million').

Public engagement

3.29 Although there have been some impressive examples of public engagement, particularly in relation to the work of the Youth Engagement task-and-finish groups and the Health and Community Care Services panel, there is no systematic approach to public involvement in LB of Merton.   Public involvement has a considerable potential contribution to make to effective overview and scrutiny in a variety of different ways (which include co-option of experts or service users on to task-and-finish groups, use of expert witnesses or service users in the work of such groups, mystery shopping, public meetings and attitude surveys).   There are of course potential difficulties in public engagement, particularly in relation to ensuring that the process is not dominated by unrepresentative groups or interests.   But there is a growing body of expertise on participation which merits much more attention in LB of Merton than it currently receives.

3.30 In this section, a number of weaknesses in the present operation of overview and scrutiny have been identified and discussed.   They can be summarised as lack of clarity of role and ineffectiveness of operation, linked to inappropriate agenda-setting and conduct of meeting processes.   Underlying these weaknesses is a sense that the function of overview and scrutiny is undervalued in LB of Merton.   It is not by-and-large given the priority by officers and members which it merits if it is to play a crucial 'checks-and-balances' and 'critical friend' roles.   There needs to be a major culture change if the function is to prosper.

Recommendations

Roles and purposes of overview and scrutiny

4.1 In Figure 1 (p 6) a range of possible roles for overview and scrutiny in LB of Merton were set out.   The choice of role emphasis is a matter for individual local authorities, although it is always important that priorities are identified and then adhered to.   However it is always important that there is a proper level of capacity for 'holding the executive to account'.   This capacity is inadequate in LB of Merton.   The readiness to carry out policy development and policy review work (which can be supportive of the cabinet) exists (e.g. in relation to the budget) but requires clarification and development.   External scrutiny, particularly reflecting matters of public concern is also underdeveloped in LB of Merton and at least merits further exploration.

4.2 **Recommendation 1 : The priority given to different scrutiny roles and purposes should be clarified, in such a way that (inter alia)**
- ❖ **strengthens the capacity of overview and scrutiny to hold the executive to account**
- ❖ **clarifies its role in relation to in-depth policy development and review**
- ❖ **explores possibilities in relation to external scrutiny**

Holding the executive to account

4.3 In principle there are three ways in which the executive can be held to account – pre-decision scrutiny (which could, depending on the political climate, also be seen as 'supporting the executive in its work'), call-in and post-hoc decision scrutiny. The last of these has a limited role, given that the decision has already been made and implemented, but there are occasions when it is worthwhile (e.g. a decision which has had unfortunate consequences, where it is important that lessons are learned). Pre-decision scrutiny is potentially valuable, so long as it is done selectively and so long as there is adequate time (and supportive capacity) to explore the topic in some depth. Random comments on a report which is on its way to cabinet is **not** effective pre-decision scrutiny. There is some evidence of pre-decision scrutiny in operation in LB of Merton, but the capacity to do it properly needs to be strengthened.

4.4 It is in relation to call-in that capacity really needs to be strengthened. Effective pre-decision scrutiny can limit the likelihood of call-in, but will not eliminate it. Nor should it. Call-in, if used responsibly, is an important tool of accountability and should not be seen as evidence of a failure in the system.

4.5 Currently it is extremely rare in LB of Merton for a call-in to reach the cabinet. This is not necessarily a healthy situation in democratic terms. Because of the 'political balance' requirements, it is always possible for the Scrutiny Commission to block an opposition-led challenge to a cabinet decision. Indeed the Scrutiny Commission currently plays a role in deciding whether a call-in is valid. This is unnecessary, if the criteria for call-in are clear enough. The judgement should be left to the Monitoring Officer.

4.6 One way of ensuring that legitimate concerns about cabinet decisions should actually reach the cabinet and that it should be required, in public, to reconsider its decision, would be the mechanism of 'majority' and 'minority' reports. If a call-in is discussed in the Scrutiny Commission (or elsewhere – see 4.14 below), and a specified number of Commission members (not greater than the number of the number of the membership from the principal opposition party on the commission) is not convinced by the arguments of the majority of the Commission that the cabinet should not be recommended to reconsider its decision, then a report setting out and justifying both points of view should be submitted to the cabinet. Representatives of both viewpoints should be permitted to speak at the cabinet meeting that hears the call-in. The cabinet retains, of course, the power to make the final decision.

4.7 **Recommendation 2 : The responsibility for judging the validity of a call-in should rest with the Monitoring Officer, using the criteria for call-in set out in the Constitution. In marginal cases the 'benefit of doubt' should be given to those requesting the call-in.**

4.8 **Recommendation 3 : In any situation where there is a disagreement within the relevant scrutiny body as to whether an executive decision should be challenged, it should be the right of a specified number of members of the body (not more than the representation of the principal opposition) to submit to the cabinet a 'minority report' challenging the decision. Both points of view should be represented at the cabinet meeting which discusses the call-in.**

Structures for overview and scrutiny

4.9 It is important at this stage to examine the current structures for overview and scrutiny in LB of Merton, to assess their suitability in relation to its three key roles. There is a variety of ways in which local authorities have chosen to structure the overview and scrutiny function. The Camden model of a single large Scrutiny Commission which commissions a range of in-depth studies from task-and-finish groups is becoming increasingly influential. Generally there is a move to simplified structures with fewer individual panels. A few authorities have set up separate scrutiny committees to deal mainly or wholly with call-in. Other authorities have organised their scrutiny panels around the priorities of the council's community plan.

4.10 The problem with structural reorganisations is that they divert energy from the more important issues of process and performance. It would not (in my view) be appropriate to instigate at this stage major changes in the structures of overview and scrutiny although there are certainly issues about the division of responsibilities between the Scrutiny Commission and the four panels. Some of the panel names are unusual and potentially confusing (particularly 'The Way We Work' and 'Regeneration and the Public Realm'). But compared with other authorities, four panels is not excessive, members have begun to identify with them and their remits (despite the strange names) are reasonably clear. They provide as good a way of carving up reality as any, so long as the need for a mechanism to identify cross-cutting or wider governance issues exists.

4.11 It is also generally regarded as 'good practice' to have some form of overarching scrutiny body to co-ordinate and (in one way or another) to lead the activities of the panels. In principle the Scrutiny Commission in LB of Merton carries out this role. However as noted in 3.18 above, in comparative terms, the structure in LB of Merton is top heavy. The Scrutiny Commission has a good deal of power - arguably too much – viz-a-viz the Scrutiny Panels. The following recommendations are aimed at strengthening its capacity to carry out those activities for which an overarching body is most suited, whilst devolving certain aspects of its current responsibilities to the four panels.

4.12 **Recommendation 4 : The basic structure of a Scrutiny Commission and four panels should be retained. However the division of responsibilities between the Commission and the panels should be revised.**

4.13 **Recommendation 5 : The primary responsibilities of the Scrutiny Commission should be as follows:**
  - ❖ **co-ordination of the annual input of the overview and scrutiny panels to LB of Merton's business plan and budget formulation processes**
  - ❖ **the power to identify issues for in-depth study by the commission and to set up task-and-finish groups for cross-cutting and/or strategic issues which fall outside the remit of a single panel (or which the panel does not regard as a priority)**
  - ❖ **to put forward suggestions for review topics to the scrutiny panels for consideration when panels set their work programmes**
  - ❖ **to keep under review the effectiveness of the overview and scrutiny function and to recommend where appropriate changes in structures, processes or ways of working**
  - ❖ **to act as a co-ordination mechanism with the cabinet, to facilitate overview and scrutiny's contribution to Merton's strategic priorities**

4.14 **Recommendation 6 : The four panels which currently exist should be retained (but renamed, where appropriate). Their responsibilities should be redefined as follows:**

❖ **pre-decision scrutiny (on a selective basis) within their remit**
❖ **performance monitoring and review (on a selective basis) within their remit**
❖ **call-in of cabinet decisions which fall within their remit**
❖ **review of the borough's draft business plan and budget, within a framework set by the Scrutiny Commission**
❖ **to identify and carry out selectively, through task-and-finish groups, in-depth policy development or review projects, using agreed criteria, and within the framework of an overall programme of such projects**

4.15 These changes can be justified for the following reasons:
❖ they build on the expertise developed within the subject panels, as a basis for dealing with pre-decision scrutiny, call-in, policy review and performance review within their remit
❖ they change the role emphasis of the Scrutiny Commission from control to co-ordination and facilitation.

4.16 The processes which link the activities of the Commission and four panels in relation to the work programme, the business plan and the budget are discussed in the next section. At this stage, however, the implications for the frequency of meetings should be recognised. The implications are that the Commission would need to meet less frequently – perhaps quarterly (although with additional meetings to instigate and finalise the input to the budget) – whilst the Panels would need to meet more frequently – probably every six weeks with the facility for 'special meetings' if there is a call-in submission, timed to follow cabinet meetings.

4.17 There is the question of how the positions of responsibility within the overview and scrutiny structures should be allocated. The recent IdeA peer review made the following pertinent observation:

"We noted, for example, the exclusion of Conservative councillors from chairing scrutiny panels, contrary to the situation in many other authorities … there is also a sense that the Opposition have limited opportunities to influence the items considered by scrutiny, and for call-in …. (para 5.4).

4.18 There is a good deal of research evidence that a shared ownership of the overview and scrutiny function is conducive to more effective overview and scrutiny. With an election due in Merton in 2006, it is an appropriate time for both major parties to consider what would be a fair allocation of responsibilities, given that either could end up in power or in opposition. The following arrangements are recommended:

4.19 **Recommendation 7 : The chairs of the commission and the four panels should be allocated on a proportionate basis. The vice-chair (in each case) should be a member of a different political group.**

4.20 **Recommendation 8 : The status of vice-chairs of the Commission and panels should be enhanced, so that they approach the status of co-chair. All discussions with and briefings from officers should include both the chair and the vice-chair, in each case.**

4.21 **Recommendation 9 : The case for an independent chair of the Scrutiny Commission should be seriously considered, in which case there should be two vice-chairs, one from each major party.**

4.22 **Recommendation 10 : The Scrutiny Commission should be composed of its own chair and vice-chair, the chairs and vice-chairs of the four scrutiny panels, and a minimum number of additional members that are required to ensure political proportionality.**

4.23 The advantages of these proposals are that all parties would have a major stake in the overview and scrutiny function and a predisposition to making it work. The case for party group meetings before Commission or panel meetings would be reduced, and indeed the impact of party politics on the function would diminish (although it can never be eliminated) or be diverted into more productive evidence-based channels.

Scrutiny processes

4.24 LB of Merton has rightly identified the need for a dedicated scrutiny support unit, which is now fully-staffed and comprised of experienced scrutiny officers. Its functions need to be clarified and in some cases strengthened. Of particular importance is the unit's role in relation to agenda-setting and management, an area where there are currently many problems (see 3.20-21 above). The following guidelines are suggested:

4.25 **Recommendation 11 : The roles of the scrutiny support unit in relation to the setting and management of the agendas of the Commission and the panels should be as follows:**
   ❖ **in consultation with the chair and vice-chair of each panel (or Commission), the unit should have full control over the content of each agenda, including the power to override – in line with agreed principles and criteria - items suggested by officers from the various directorates. The role of democratic services should be limited to that of implementing on each occasion the brief they receive from the scrutiny support unit**
   ❖ **for each agenda item (except where it is clearly unnecessary) the support unit should produce a short 'briefing paper' for the panel (or Commission) drawing out key issues in a way which facilitates effective scrutiny. Reports would <u>not</u> normally contain explicit recommendations.**
   ❖ **Scrutiny support unit staff should facilitate and manage the work of the 'task-and-finish' groups. There is no need for democratic services staff to administer such meetings.**
   ❖ **Normally all agenda items should have the potential for 'added value'. Few if any 'items for information' are appropriate**
   ❖ **Regular co-ordinative meetings should take place between support unit staff and the chair and vice-chair of each panel/Commission**
   ❖ **Where appropriate, a panel or Commission should hold a private meeting before a formal meeting, for example to develop a 'strategy of questioning' for a cabinet member or a high-profile external witness**

4.26 The lack of clarity and consistency in relation to the **conduct** of overview and scrutiny meetings was noted earlier. There must be a greater clarity about how meetings should be managed, and in particular the roles of the chair and vice-chair and the skills required to carry out these roles effectively. The following changes are recommended.

4.27 **Recommendation 12 : A new approach to the conduct of meeting of scrutiny panels and Commission should be developed using the following guidelines:**
   ❖ **Pre-meeting 'preparation' meetings where appropriate (see 4.25 above)**
   ❖ **Development of 'job description' guidelines for chairs and vice-chairs of scrutiny panels/commissions**
   ❖ **Encouragement of skills development training for chairs and vice-chairs, where such needs can be identified**
   ❖ **Greater attention to settings and seating arrangements for meetings, especially where external witnesses (including cabinet members) are involved**
   ❖ **Greater readiness to require the attendance of cabinet members, rather than officers, for pre-decision scrutiny or performance review activities.**

Involvement of the public

4.28 It was argued in Section 2 that there was a good deal of potential for greater public involvement in overview and scrutiny in LB of Merton. Public involvement, if appropriately organised and demonstrably representative, can significantly strengthen the arguments made in overview and scrutiny reports. There are several ways in which this potential could be realised.

4.29 **Recommendation 13 : Consideration should be given to ways in which the public could be beneficially involved in the work of the scrutiny Commission and panels in LB of Merton, including the following possibilities:**
- ❖ **Contributors to the overview and scrutiny agenda**
- ❖ **Participating spectators at scrutiny meetings**
- ❖ **Co-opted members of overview and scrutiny committees (either on a permanent or temporary basis)**
- ❖ **Experts brought in to help an overview and scrutiny committee explore particular issues**
- ❖ **Witnesses providing evidence to a scrutiny committee**

Other process issues

4.30 There are a further set of recommendations which follow up the diagnosis of strengths and weaknesses set out in Section 2, including the following topics:
1. The development of the work programme.
2. Reporting procedures and follow-up from scrutiny recommendations and reports.
3. External scrutiny priorities.
4. The development of the performance monitoring role.
5. Improving scrutiny of the business plan and the budget.
6. Strengthening support for scrutiny.

Development of the Work Programme

4.31 As noted in 4.13 above, it is important that the Scrutiny Commission should contribute to and co-ordinate the work programme of in-depth scrutiny reviews, but not that they should dominate. Their main contributions to the work programme should be twofold; first, pieces of policy work which have been suggested by the cabinet, and where the Commission is convinced of the value of the work; and secondly projects which are identified as important in relation to the wider community governance role of the council, but which do not fit within the remit of any of the four scrutiny panels.

4.32 Given the considerable investment of member and officer time that goes into in-depth policy reviews, there should always be a clear justification for the review. Figure 2 sets out a checklist of criteria which should be applied by both Commission and panel in deciding whether a review should be initiated. The implication is that the more of the boxes can be ticked, the stronger the argument for carrying out the review.

Figure 2:
☑ **Is this a Significant Subject for Review?**
☑ A checklist from 'The development of overview and scrutiny in local government' by Copus et al (2000).
☑ Issue identified by members as a key issue (through members' surgeries and other constituency activities).
☑ Poor performing service
☑ Service ranked as important by community (through market research, citizens' panels, and so on)
☑ High level of user/general public dissatisfaction with service
☑ Public interest issue highlighted in local media
☑ High level of budgetary commitment to policy/service area
☑ Pattern of budgetary overspends
☑ Council corporate priority area
☑ Central government corporate priority area
☑ Issue raised by external audit or in inspectorate reports
☑ New government guidance or legislation

4.33 **Recommendation 14 : The work programme of in-depth scrutiny reviews should be organised as follows:**
- ❖ **Each scrutiny panel to have the right to carry out one in-depth scrutiny review on a topic within its area of responsibility**
- ❖ **On the completion of the review, a further topic can be commenced**
- ❖ **The Scrutiny Commission to have the right to identify up to four priorities for in-depth review, either on the basis of proposals made by the cabinet, or the identification of issues of a cross-cutting nature and/or public concern**
- ❖ **Only two such reviews should be 'in progress' at any one time. As a result there should never be more than six 'scrutiny reviews' in progress concurrently**
- ❖ **The composition of task-and-finish groups should be on the basis of members' own particular interests. All non-executive members should be eligible for membership. Political balance should not be a requisite**
- ❖ **All task-and-finish groups should consider the possibility of co-opting representatives of external organisations who are in a position to add value to the work of the group**
- ❖ **Both the Scrutiny Commission and each of the panels should be permitted to instigate shorter 'quick-and-dirty' reviews which investigate issues of concern (e.g. declining performance of a service)**
- ❖ **The Scrutiny Commission should have the role of managing the programme of reviews**
- ❖ **Reports emanating from reviews initiated by a panel should be submitted to the Scrutiny Commission for information and discussion but should not require its approval**

Reporting and follow-up procedures

4.34 The limitations of the processes for reporting and following up scrutiny recommendations and reports were noted in Section 3 (3.28). These limitations can be overcome by the following guidelines.

4.35 **Recommendation 15 : The following guidelines should be used to ensure that all recommendations from overview and scrutiny panels (and Commission) are taken seriously and monitored.**

- ❖ **All recommendation from scrutiny panels and Commission to be reported separately to the cabinet, <u>not</u> incorporated into officer reports to cabinet which include a wider range of considerations.**
- ❖ **All scrutiny recommendations – not just those contained in policy reviews – to be given detailed consideration by the cabinet and a detailed response provided within one month.**
- ❖ **Regular reports to be provided to Scrutiny panels (and Commission) on the progress of implementation of Scrutiny recommendations agreed by the cabinet.**
- ❖ **Where appropriate, regular progress reports to be provided on the <u>impact</u> of scrutiny reports which have been agreed by the cabinet (e.g. procurement).**

4.36 <u>External Scrutiny</u>
There are several reasons why a local authority might wish to carry out a scrutiny exercise on an issue which is primarily the responsibility of another agency, but which nevertheless has a major impact on the quality of life of local people. Such agencies include the GLA, the Metropolitan Police, the Environment Agency and South West Trains. Topics might include the management of the primary road network, community safety issues in areas vulnerable to crime, river pollution, or the reliability of commuter train services. There is the important precedent of a local authorities' responsibility for health scrutiny. That principle, if applied to other areas of public concern, would be an indication of the seriousness with which LB of Merton took its responsibilities for the social economic and environmental well-being of its residents.

4.37 **Recommendation 16 : LB of Merton should draw on the local knowledge of its members to identify issues which are causing public concern whether or not they are the primary responsibility of the council. Response to such issues should form part of the terms of reference of the Scrutiny Commission.**

The development of the performance monitoring role

4.38 Although overview and scrutiny's involvement in performance monitoring has developed in LB of Merton, through the mechanism of the small task force of the Scrutiny Commission, it has not yet developed any great depth. There is also an issue of the extent to which this role overlaps with that of the cabinet, who will also have an interest in performance monitoring. The following process is recommended as both a clarification of the division of labour and a basis for looking in more depth at issues of particular concern.

4.39 **Recommendation 17 : The following approach to performance monitoring within each overview and scrutiny panel is suggested.**
- ❖ **Performance information is presented – in user friendly form – on a regular basis to both the executive and the overview and scrutiny panels.**
- ❖ **The executive take whatever actions they feel to be necessary, on the basis of this information, in consultation with officers.**
- ❖ **The overview and scrutiny panels highlight 'areas of concern' – in particular evidence of significant underperformance or declining performance, and request an explanation of such situations.**
- ❖ **At regular intervals, executive members and senior officers responsible for the services concerned attend the panels to provide an explanation of poor performance.**
- ❖ **In some cases there will be an explanation which satisfies the panel. Provoking a good reason why targets have not been met (e.g. factors outside the control of the authority) or a statement of remedial action that is being taken to deal with the problem.**

❖ **In other cases, either the lead member of the executive will acknowledge that there is no satisfactory explanation of poor performance, and agree that an investigation by the panel would be appropriate or the panel itself will not be satisfied with the explanation offered and will itself decide to instigate an investigation.**

Improving scrutiny of the business plan and the budget

4.40 LB of Merton's business plan is a key annual document which sets out the council's priorities, and links them to the budget and to a range of performance targets. It is appropriate that overview and scrutiny should have the chance to contribute to the business plan, just as it has the chance to contribute to the budget and that adequate time is available to make an effective contribution. At present involvement in the business plan is at an embryonic stage, and involvement in the budget process, although more developed, does not operate in a particularly satisfactory way. The main problem is the difficulty the panels and the Commission have in making sense of the mass of budgetary information they receive. It will be difficult to probe proposals in depth or add value unless the information can be provided in a more user-friendly way. The following recommendation sets out an approach to scrutiny involvement in the budget process and the business plan which would hopefully facilitate the scope for effective member involvement. It is acknowledged that the late availability of the final budget figures creates significant timetabling difficulties for this process and that a real effort needs to be made by all concerned to keep to the agreed timetable.

4.41 **Recommendation 18 : The following approach to the business plan and the budget is suggested.**
   ❖ **The Scrutiny Commission organises a members' seminar at an appropriate point in the municipal year, at which the draft versions of the business plan and the budget can be presented and explained to all non-executive members who are interested. A strategy and timetable for overview and scrutiny to report back is agreed.**
   ❖ **Each panel identifies an agenda of issues it wishes to explore and sets up a working group of those interested to examine the business plan and budget, guided by these priorities.**
   ❖ **All budget information is accompanied by a brief from the Scrutiny Support Unit, which provides an interpretation of the financial data and a clear steer in terms of the scope of its investigations.**
   ❖ **Each panel to be allocated a financial advisor – a senior officer from the Finance department – who is there to provide the kind of expert financial advice which it may be unrealistic to expect the Scrutiny Support Unit to provide. There is an equivalent case for the allocation to each panel of a 'Business Plan Advisor'.**
   ❖ **The response and advice of the four panels to be discussed and integrated at an appropriately-timed meeting of the Scrutiny Commission.**

Strengthening support for scrutiny

4.42 The existence of a dedicated scrutiny support unit is a necessary condition for effective scrutiny. But it is not a sufficient condition. There are other important ways in which scrutiny should be supported. The use of finance officers as expert advisors to each of the scrutiny panels in relation to the budget is one such example. Set out below are two further recommendations, which would help raise the profile of overview and scrutiny in LB of Merton and underline its crucial importance to the viability of the democratic processes in the borough.

4.43 **Recommendation 19 : A budget (suggested initial level - £30,000) should be allocated to the Scrutiny Commission and panels to enable them to draw on**

expert advice from outside the authority, where this would enable them to carry out their functions more effectively, or to finance other activities (e.g. visits to other authorities) with the same purpose.

4.44 **Recommendation 20 : A system of 'link officers' should be identified in each of the main service dimensions within LB of Merton, to operate (as part of their job specification) as a support mechanism for the Scrutiny Support Unit in providing information, advising on policy options and providing whatever other support is required.**

4.45 **Recommendation 21 : It is also crucial that the vital role which effective scrutiny can play in the council's improvement process is recognised by an investment in member development opportunities relating to scrutiny skills.**

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OS12 – Self-Assessment of scrutiny at Merton using the CfPS Self Assessment Framework

Provide 'critical friend' challenge

Does scrutiny provide an effective challenge to the Executive?
o   What opportunities are available for scrutiny members to question cabinet members and challenge the executive?
o   How does scrutiny provide an effective mechanism for the executive to demonstrate public accountability?
o   How do you ensure that challenge is "constructive, robust and purposeful"?
o   What evidence is there that scrutiny is able to operate independently of the executive?

Evidence of what we do well?
• There is an agreed structure in place to challenge the executive.
• Progress has been made over the last 2 years in particular: reviews are more successful, pre-decision scrutiny is used more effectively and criteria have been developed for call-in.

What doesn't work so well?
• Queries: Is the structure used in such a way to bring about effective challenge, are scrutiny outcomes focused, are the right questions asked?
• Query: how do *overview and scrutiny members* see the role of scrutiny; is there an understanding of its role and the opportunity scrutiny presents?
• Query: how do *cabinet members* see the role of scrutiny; is there an understanding of its role and the opportunity scrutiny presents?
• The role of Cabinet Members at meetings seems to be unclear
    o   When does Scrutiny want them there/not want them there; what is their role at normal meetings; how are they used?
• The mechanism for reporting scrutiny recommendations/comments to the executive is unclear, often being buried within other reports
• There is a limited system for follow-up to scrutiny recommendations (paper based, labour intensive) making it difficult to track scrutiny outcomes
• Producing a scrutiny report is seen as the end of the piece of work – not taken any further

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How can we improve?

Supporting Overview and Scrutiny Members

- Clarify expectations of the role of scrutiny for scrutiny members through the development of a scrutiny handbook (setting out roles, responsibilities, processes, structures, etc)
- Member development opportunities to develop additional skills in techniques to hold the executive to account

Supporting Cabinet Members

- Clarify expectations of the role of cabinet members in scrutiny including 'formalising' their role at meetings, i.e. specifying when they are expected to attend meetings, what their role is at meetings
- Member development opportunities to promote understanding of the overview and scrutiny function

Reporting mechanisms

- More robust recommendations (SMART recommendations, costed where appropriate?)
- Recommendations/comments sent to the Executive in a specific scrutiny report, contextualising and highlighting scrutiny's comments
- Formalise the system for responding to and following up scrutiny recommendations
  - o Expectation of a point by point response to each recommendations with target dates for implementation
  - o Clear ownership of the report actions (Cabinet Member, officer and O&S Member responsibility for monitoring progress against the action plan)
  - o Regular updates (cyclical approach to scrutiny reviews)

How does scrutiny have an impact on the work of the executive?

- o Can you provide an example where challenge to the executive has lead to a better decision than would otherwise have been taken
- o Can you provide evidence of where scrutiny has had a direct impact on the work of the executive?
- o Has a cabinet member had a change of mind on a decision due to scrutiny?

How does scrutiny routinely challenge the authority's corporate strategy and budget?

- o Is there evidence of questioning financial priorities and how they meet corporate objectives?
- o How can you demonstrate that monitoring and questioning performance has provided effective challenge?

Evidence of what we do well:

- Overview and Scrutiny is programmed into the corporate planning process
- Evidence of amendments to budget setting following scrutiny's involvement

What doesn't work so well?

- Do all members understand the budget papers that are put before them
  - o Do they know how to analyse financial data and where to focus for effective budget scrutiny?
  - o Is the budget scrutiny process clear?
  - o Last year a number of comments made by panels were not passed back to the executive
- The 2005-06 calendar of meetings does not reflect constitutional requirements

How can we improve?

Dealing with the practicalities

- Simplify the budget scrutiny process and take out unnecessary bureaucracy
  (NB: in hand; proposals are being taken to Standards and Council to streamline process)
- Influence the calendar of meetings to ensure that dates are set to meet constitutional

requirements

Support for overview and scrutiny members

- Member development opportunities planned into the member development programme for budget scrutiny training (for example, external training provided by the Institute of Public Finance)
- Briefing notes setting out budget information analysis supplied to the panels by the scrutiny team

Are external partners involved in scrutiny and how are they included?
o Are external partners used to provide challenge?
o Can you provide examples where partnerships and partner organisations have been the subject of scrutiny?
o Is there a process for external involvement in scrutiny? Have you developed a scheme as outline in Local Government Act 2003?
o Are arrangements in place to support and encourage external challenge?

Does scrutiny work effectively with the executive and senior management?
o Do you have an agreed way of working with executive and senior management?
o Could you describe those relationships confidently and provide an example if them working in practice?
o Are there examples to demonstrate improved outcomes as a result of these relationships in use?

Evidence of what we do well

- Positive relationship with senior management: corporate commitment to overview and scrutiny
- Officers and Members attend scrutiny to give evidence
- A Member/Officer protocol exists (but nothing specific to scrutiny)

What doesn't work so well?

- Lack of understanding among officers generally about the role of scrutiny, what is can/should be used for, what is *shouldn't* be used for, what is expected of them
  o Reports are sent to scrutiny as a 'safety net' or scrutiny is seen as 'another hoop to jump through'
  o Overview and scrutiny work is not seen as a priority
- No guidance for executive members or officers detailing what is expected of them for overview and scrutiny

How can we improve?

Recognise that need to support witnesses (whether officers/ executive members/ external witnesses)

- Develop guidance for witnesses setting out how scrutiny works, how they can be involved, how meetings run, etc
- Specific guidance for officers setting out how scrutiny works, how they can be involved and what is expected in those situations (e.g. drafting a report, attending as a witness, leading a review, implementing recommendations), contacts for the section, etc
- Officer development opportunities to equip managers with knowledge and skills to meet the needs of scrutiny (and raise profile of scrutiny within the authority)

<u>Reflect the voice and concerns of the public and its communities</u>

How is the work of scrutiny informed by the public?
o   Is there evidence of an ongoing dialogue with the public and its diverse communities?
o   What evidence is there to show how diverse/different public expectations have been managed?
o   Is there evidence to show where the scrutiny work programme has been influenced by suggestions from both public and partner organisations?

How does scrutiny make itself accessible to the public?
o   What mechanisms are in place to enable/encourage the public to become involved in the work of scrutiny?
o   How can you demonstrate that they have been effective?
o   How are the outcomes of scrutiny communicated?
o   What evidence is there to show how the public has been engaged in the meetings and work of scrutiny?

How does scrutiny communicate?
o   Are mechanisms in place to ensure that all members and officers are aware of and understand scrutiny?
o   How do you ensure that opportunities for communicating scrutiny are identified and used, including corporate arrangements for media and public relations?
o   Do you have any specific arrangements for communicating with partnerships and partner organisations?

<u>Evidence of what we do well</u>:
- Scrutiny does hear the views of the public through:
  o   Considering results of consultations like the Annual Residents Survey/ Community Plan
  o   Gathering views for reviews
  o   Taking meetings out into the community
  o   Running focus groups
- Press work and external/ internal publicity is used to promote reviews and ask for input from members of the public

<u>What doesn't work so well?</u>
- Members of the public are not aware of overview and scrutiny
- There is not a consistent approach to engaging the public across the panels
- There is no formal 'strategy' for engaging the public in scrutiny

<u>How can we improve?</u>
Consult widely for suggestions for topics for reviews through press work/ local radio/ website/ community groups, annual residents survey, etc
Promote community engagement
- Clear 'strategy' for engaging the public
  o   Raise profile of scrutiny with community groups (e.g. voluntary sector, area forums, etc) and forge relationships
  o   Build on the work of other sections who build relationships with local groups/communities (e.g. Diversity and Community Engagement)
Each review should think about how to bring people into scrutiny
  o   Incorporate elements such as meetings in the community
Gain attention for scrutiny
- Actively promote scrutiny
- Develop an 'identity' for scrutiny to present a professional, modern and consistent image to the public
  o   Apply to scrutiny material (e.g. agendas, reports, leaflets, etc)

Feed back scrutiny achievements to the community

Take the lead and own the scrutiny process

Does scrutiny operate with political impartiality?
o   Are you able to demonstrate that the whip is not used?
o   Is it possible to demonstrate political consensus?
o   How have executive members been involved in championing the value and potential of scrutiny?

Does scrutiny have ownership of its own work programme?
o   How have members been involved in developing the work programme?
o   Do members regularly monitor and evaluate the progress of work programmes?
o   Can you provide evidence to show how scrutiny members have resolved conflicting views in regard to the work programme?
o   Do scrutiny members have goals for what they want to achieve?

Evidence of what we do well?
• Members bring topics forward for reviews
• Coordinated work programmes of the four panels by the Overview & Scrutiny Commission
• Structured approach to evaluating potential topics for review (criteria) and thorough scoping report template

What doesn't work so well?
Is Overview and Scrutiny (seen to be) independent?
• Is there 'ownership' of scrutiny reviews by the panels as the commission agrees the review work programmes – is there a potential for members not engaging with topics they have not chosen?
• Items 'appear' on the agenda as officers decide that scrutiny should look at something, whether as a review or as a one-off report, leading to overloaded agendas (with the potential for more important items being considered)
• The mechanism for reporting scrutiny recommendations/comments to the executive and tracking implementation needs to be improved

How can we improve?
Ensure that the independence of scrutiny is maintained
• All items must be signed off by the panel (at the very least the chair)
• Develop a template for reports to scrutiny (does the current 'decision report' template meet the needs of scrutiny?)
Reporting mechanisms
• Formalise the system for responding to and following up scrutiny recommendations

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Do scrutiny members consider that they have a worthwhile and fulfilling role?
o   Do Members have an opportunity to communicate their views on the development and operation of overview and scrutiny?
o   Are the views of Members canvassed/collected and evaluated?
o   Is scrutiny seen as an attractive political career?
o   Is the scrutiny role seen as one that makes an important contribution to the good management of the authority and quality of life in the community?

Is there a constructive working partnership with officers including support arrangements for scrutiny?
o   Can you provide evidence to show that there are arrangements to enable discussion and consensus between scrutiny, the executive and officers?
o   How have officers been involved in championing the value and potential of scrutiny?
o   What training and development has been provided with a view to improving scrutiny?
o   How are the arrangements for scrutiny support evaluated for effectiveness and appropriateness?

Evidence of what we do well:
•   Clear division of labour for supporting scrutiny between the Scrutiny Team and the Democratic Services Team

What doesn't work so well?
Lack of understanding of scrutiny by officers
•   Poor perception of scrutiny – jumping through hoops
•   Officers are not proactive in responding to scrutiny queries
•   Officers do note see scrutiny as an opportunity and do not champion scrutiny
•   Report template does not lend itself to the needs of scrutiny
•   Training and development has been limited for members and non-existent for officers

How can we improve?
•   Member and officer development opportunities to promote understanding of the overview and scrutiny function
•   Develop new scrutiny report template, specific to scrutiny's needs

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Make an impact on service delivery

How does scrutiny workload co-ordinated and integrated in to corporate processes?
o   Are you able to use the forward plan to programme the work of scrutiny?
o   Is the forward plan fit for purpose?
o   What evidence is there that scrutiny contributes to the delivery of corporate priorities?
o   Can scrutiny demonstrate an involvement and impact in setting performance objectives?
o   What evidence is there to show that scrutiny involvement has identified the need to realign resource allocation or objectives?

What evidence is there to show that scrutiny has contributed to improvement?
o   What evidence is there to show that changes have been brought about as a result of scrutiny activity? (Including community well-being and strategic quality assurance)
o   What arrangements are in place to ensure that recommendations and actions arising from scrutiny are acted upon?
o   How does scrutiny monitor routinely the implementation of its recommendations?

How well is information required by scrutiny managed?
o   How effective are the arrangements for planning and scoping reviews?
o   What arrangements have been made to ensure that scrutiny members receive accurate, timely and appropriate information?
o   How does scrutiny record, monitor and evaluate its own proceedings?

Evidence of what we do well:
•   Broadly speaking, the mechanism/processes are in place for scrutiny to have an impact
•   Pre-decision scrutiny takes items from the forward plan
•   Scrutiny is included in regular council reports on the strategic objectives – overview and scrutiny's contribution to achieving the objectives
•   The business plan, budget and best value performance plan are timetabled in to the

corporate planning programme

Reporting scrutiny impacts:
- Annual Report
- Performance indicators in the business plan
- Action plans are reviewed

<u>What doesn't work so well?</u>
- No robust monitoring mechanism to track implementation and flag up outcomes
- Some inconsistency in reporting back on action plans

<u>How can we improve?</u>
- Investigate performance indicators for scrutiny
- Feed back outcomes for members/ officers/ public

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OS13 – Notes from visit to Camden, 1 February 2006

Meeting with Tim Young, Scrutiny Manager, London Borough of Camden

Camden decided that they wanted a very powerful overview and scrutiny system.
- They have one standing committee, as they wanted to avoid demarcation issues or gaps and overlaps across numerous committees.
- Wanted to be able to pick up cross cutting issues
- Did not want to recreate the old committee system
- In the beginning the Chief Executive issued a dictat to all officers saying that all staff have a duty to serve both cabinet and scrutiny – parity of esteem.
- Overview & Scrutiny Commission not characterised by voting – more consensual

Chairs of panels are shared out on an ad hoc basis and generally speaking are allocated in accordance with proportionality.
- Panel memberships are proportional (party groups determine who sits on which panels)

Members not on the Commission are able to influence the agenda by asking OSC members to put something on the agenda.

<u>Setting priorities</u>
- The forward plan goes to each OSC meeting – every month
- In June-July, sessions are held with departments to identify big issues that are due to come up over the next year.
- Members pull out pre-decision scrutiny items
- Performance information comes through quarterly, including key PIs (e.g. social services, Key Stage and exam results, housing, parking plus problem areas) but emphasis on reporting by exception

<u>Agenda setting</u>
- Review topic is chosen and the chair of the Overview & Scrutiny Commission writes to all members asking whether they want to be involved – members volunteer themselves.
- If more members volunteer than there are places, the party groups decide

<u>Call-in</u>
- No constraints

<u>Public engagement</u>
- Council's priorities built up through consultation exercises
- Any resident can put forward topics
- Chair writes to local papers about review topics
- Public can make deputations to the Overview & Scrutiny Commission on any agenda item
- Use tools such as:
  1. Booklets
  2. Website
  3. Talks to community groups
  4. Press
  5. Go to other local authorities for evidence

"What you put in is what you get out"

<u>Witnesses to scrutiny</u>
- At first chief officers were concerned about junior officers coming to scrutiny meetings as inexperienced
  - o Agreed that below a certain tier, chief officers would be consulted and would have to agreed the officer could attend
  - o Now chief officers have relaxed
- Cabinet members are formally asked to attend

<u>Relationship with cabinet members</u>
- Cabinet members come to scrutiny at the beginning of the year with their lead departmental officers
- The leader presents an 'Annual Report' to the Overview & Scrutiny Commission

<u>Reporting mechanisms</u>
- Overview & Scrutiny Commission sends references to the executive
- Overview & Scrutiny Commission Chair feeds back at the next meeting
- OSC sends a report to the executive – officers prepare a response to report back within 6 weeks – runs it by the OSC and then on to the executive the next night
- The Chair of the OSC speaks to the report at Cabinet
- Executive given a template to complete when preparing the response.

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OS14 – Submission from Cllr Sheila Knight

OS15 – *The Development of Health Scrutiny in Merton* Interim Report by Richard Poxton, IDeA, March 2006

PURPOSE OF THIS REPORT

This report was commissioned by the Chair of the Health and Community Care Services Overview and Scrutiny Panel (the OSC) and the Health Scrutiny support team. The work was undertaken as part of the support allocated to Merton by the Centre for Public Scrutiny's Health Scrutiny Support Programme.

The purpose of the report is to make interim proposals for further consideration to assist the continuing development of Health Scrutiny in Merton.

HEALTH SCRUTINY IN NATIONAL CONTEXT

The Aims of Health Scrutiny

The Health and Social Care Act 2001 introduced the power (with effect from January 2003) by which local authorities with social services functions were able to add scrutiny of health issues to their general scrutiny functions. The Act states that each such authority

"…may review and scrutinise the operation of the health service in its area and make reports and recommendations to NHS bodies in respect of that review and scrutiny."

This responsibility covers matters to do with health improvement and tackling health inequalities as well as the functioning of health service provision. Guidance issued by the Department of Health gave particular emphasis to the role of health scrutiny in addressing health improvement, drawing attention to local authorities' own responsibilities in this area.

In addition, local NHS bodies were required to consult with OSCs on issues of "substantial variation or development" – this duty being additional to the more general one for consultation, including with the local authority as a whole. If the OSC is not satisfied either by the substance of the proposal or by the manner in which it is being consulted upon then it has the power to refer the matter to the Secretary of State for consideration.

Under the Health and Social Care Act 2001 local NHS bodies have statutory duties to provide information requested by the OSC and make arrangements for any officer to come to the OSC to answer questions. They also have to respond in writing within 28 days to any OSC reports as well as consulting on matters of substantial variation or development as indicated above: there is no definition of what is meant to be included in this category and very recent more detailed guidance continues to emphasise the importance of reaching a local understanding.
In summary, health scrutiny was introduced to improve the health of local populations and to reduce health inequalities through increased local accountability and greater transparency in local decision making.

National Developments to date

The University of Manchester is undertaking a 3 year evaluation of health scrutiny and in September 2005 produced an initial report with some basic findings to date:

- 92% of responding social services authorities had undertaken some form of health scrutiny in 2003/4
- 81% of NHS respondents had engaged in some form of health scrutiny
- 78% of Health OSCs had been consulted about substantial variations or developments (SVDs), although only 39% had developed local working definitions

- 62% of Health OSCs had conducted service specific reviews such as dentistry, chiropody or mental health services, whilst 53% had conducted broader, cross cutting reviews of such as obesity or teenage pregnancy

There were several perceived benefits for local authorities including better dialogue and relations with local NHS agencies, increased Councillor knowledge of health matters, and improved partnership working. Local NHS agencies also referred to better partnership working as well as the value of having local checks and balances, increased public engagement, gaining local political support and encouraging local authorities to look at their own broad role in relation to health.

How Health Scrutiny fits with NHS performance management

As the evaluation indicates there have been concerns within the NHS that Health Scrutiny could duplicate other inspection, regulation and performance management activities that already take up significant time and resource. Largely it would appear that this fear has not been realised as OSCs have made real efforts to ensure that their legitimate involvement in challenging policies and proposals for service development has complemented other activity. Often work that has been undertaken on an agreed basis has proved of mutual benefit. One area that could be seen as a useful outcome of Health Scrutiny is that of joint performance frameworks, thus highlighting local authorities' own roles in health improvement. It should be emphasised that Health Scrutiny's role in performance assessment must clearly bring some added value to the existing arrangements and should form part of a broader portfolio of OSC work.

Challenges being addressed nationally

Of course there were also perceived challenges to Health Scrutiny from both the OSCs and the local NHS agencies: lack of resources and capacity, the volume of SVDs, difficulties in engaging with the local Patient and Public Involvement Forums, and getting to grips with the basic aims of health scrutiny were mentioned by local authorities. For local NHS agencies there were some basic concerns around a lack of (their own) understanding of the role and purpose of health scrutiny together with a perceived lack of understanding by OSCs of NHS matters aggravated by turnover of their own OSC membership.

THE LOCAL EXERCISE

Five consultancy support days are available for this support work. It was agreed locally that the overall purpose should be to assist in assessing how to best develop the health scrutiny function to bring real added value - both for local health agencies and for the council in its cross-cutting work with its health partners, with the ultimate aim of securing healthier outcomes locally. An emphasis should be placed on building up links with the PCT to promote a more outward looking version of Health Scrutiny.

A series of interviews with key local partners was held to explore views on what was working well in health scrutiny locally and what could be developed further. In the very limited time available it was very encouraging that most people were able to make time available including all of the local NHS agencies. Inevitably, it was not possible to meet with everybody identified in short timeframe to write this report – hopefully this can be addressed very shortly.

In considering the progress to date and the prospect for future developments it was, of course, crucial to take account of Merton's distinctive situation of relating to a PCT that also covers another borough (uniquely in London apart from Hackney and the City), has no borough based major acute hospital, and is served by a Mental Health Trust that also covers four other boroughs. It would clearly be necessary to take this configuration into account

when considering how Health Scrutiny might make a distinctive contribution to the health of borough residents and to the effectiveness of local services.

LOCAL VIEWS ABOUT THE PURPOSE OF HEALTH SCRUTINY

There was some consensus amongst the people interviewed from the NHS agencies that will doubtless be supported by those in the Council. In summary, it was seen that the main purpose of Health Scrutiny should be:

➢ Monitoring and holding to account the local NHS system, through the role of a "critical friend" – providing some local democratic accountability and bringing an important local political perspective
➢ Ensuring good accessibility to services for Merton residents
➢ Looking at the health needs and health inequalities of the borough as part of a broad debate; to promote the mental and physical well being of the borough
➢ Identifying and responding to statutory consultations on changes to services
➢ Considering service improvements in the local NHS and elsewhere that would improve the health of local residents

LOCAL EXPERIENCES OF HEALTH SCRUTINY TO DATE

On balance there was a positive and supportive approach to the work going on in the borough. It was acknowledged that these are still relatively early days and that everybody was finding their way to some extent. Inevitably aspirations had to be tempered by resources available to take the work forward – this has already been noted as a major national issue.

There are some clear building blocks in place on which to develop Health Scrutiny locally:

• OSC has been effective at gathering information – getting reports from the local NHS agencies and giving views
• Overall the approach being taken at meetings and elsewhere seems positive – engaging and informative: effective challenges have been made but without being aggressive
• The successful joint project bid (with the PCT) was seen as an encouraging development
• Good personal links have developed – this helps to develop a "no surprises" culture
• There have been some good discussions of issues perhaps especially in the area of Mental health
• There has been some good mutual awareness raising – issues and processes

In any piece of work that is searching for improvements the more negative aspects may seem to dominate: this is inevitable to a degree and should not be misinterpreted as criticism or frustration – rather as an indication of where there is a shared commitment to move forward. The main areas may be seen as:

• Lack of engagement with the wider local community
• Unclear what happens to items and views after consideration by the OSC, difficult to keep track of discussions and decisions
• Relatively low profile for Health Scrutiny
• Lack of a systematic approach to work planning that covers the year and looks further ahead, and that prevents items from "drifting" into the future
• More clarity at meetings about how items are being addressed and who has which roles
• More shared understanding of respective roles in the NHS locally and how the Council itself can promote health and well being
• Not clear how the role of the Joint OSC fits with the Borough's own

LOOKING AHEAD: DEVELOPMENTS SOUGHT IN BOTH THE PROCESS OF HEALTH SCRUTINY AND THE SUBJECT AREAS TO BE ADDRESSED

In the interviews views were sought on what were seen as the key areas for development – issues to look at and how to go about it. This begins to build up a picture of the degree of consensus locally – to which others should contribute their thoughts. It has assisted in the assessment of possible next steps which follows at the end of this report.

The main issues seen as suitable for Health Scrutiny were:
- Public Health generally as well to certain specific issues (including health inequalities) to be considered together across the Council and NHS, this could include Healthier Communities including neighbourhood planning arrangements as well as improving the mental well being of local residents and the different agency responsibilities through a social inclusion, cross cutting approach
- Looking at the gaps in local health services especially those for older people and other at risk groups including those from BME communities
- Reviewing how local hospitals impact on the lives of local people – access, style, comfort, etc. – how they work for Merton residents (rather than the technicalities of what goes on inside)
- Taking a more considered look at the PCT Business Plan (for example, how could Health Scrutiny assist with meeting the national targets), the Council's Community Plan for broader public health issues and the Public Health Action Plan
- Supporting the development of the collaborative agenda across the local NHS, the whole of the Local Authority and the Voluntary Sector

There were various interesting suggestions as to how this work could be developed:
- Engage more with local groups and others including through more open meetings but always ensuring a focused approach
- Taking a more challenging approach through the choosing of issues and the use of challenging (but supportive) questioning at meetings that are more tailored to the tasks
- More time spent with the local NHS agencies to understand their issues and promote local democratic accountability together, to explore changes being considered at an early stage
- Gaining a clearer definition of what counts as a Substantial Variation or Development and the "terms of engagement", with attention given to achieving some consistency with neighbouring boroughs if possible
- More awareness training in understanding the inevitably complex national and local health issues (acknowledging that Councillors and Officers are not required to be experts), and more shared mutual understanding of decision making in the local authority and the local NHS
- A more systematic process for determining the important issues that Health Scrutiny should address, including a work programme subject to some joint informal consideration for both short and longer term planning ahead
- Some means of reviewing the success or otherwise of Health Scrutiny

ANALYSIS

There is clearly an important amount of goodwill toward the Health Scrutiny function from the local NHS agencies with a responsibility for the health of local residents.

There are some valued local contacts between the NHS partners and the leading Health Scrutiny councillors and officers, upon which to build up the role.

There are examples of useful awareness raising and specific scrutiny pieces of work that have given a general confidence in moving ahead.

There is some awareness of the potential for Health Scrutiny as a tool for addressing health needs and inequalities in the borough as well as scrutinising health services.

The holding to account function has received some prominence to date and this has generally been well received by the local NHS agencies.

There is scope for a more systematic approach to establishing what work is to be undertaken and how this is to be addressed – the present arrangements appear to be rather piecemeal and dependent on the good professional relationships that have been built up: any new arrangements should be as concise and efficient as possible.

The present approach to Health Scrutiny appears to be more reactionary than assertive – mainly responding to issues from the local NHS agencies: the possibility is that this reflects a slight lack of confidence on the part of those involved in the function perhaps based upon the need for greater awareness of local health issues and processes.
The Better Healthcare Closer to Home issue, whilst clearly an important local issue that has apparently demonstrated how scrutiny can make a difference, has dominated the Health Scrutiny agenda to the exclusion of other major items.

There is at least a risk that there is duplication of effort with regard to the Patient and Public Involvement Forum.

ISSUES FOR CONSIDERATION

The above analysis has led to suggestions (also by the consultant) on the way forward. Clearly capacity has to be an important factor when considering how to develop the Health Scrutiny function. The following suggestions for consideration will have some implications for available resources and will need to be considered in the light of realistic availability. This brief review has not addressed any aspects of efficiency in how the current arrangements work. The suggestions are not in any particular order of priority:

1. There may be merit in introducing (on an agreed basis) more process for how Health Scrutiny should operate, for example with regard to the work programme, prioritisation of issues, sharing of information including planning proposals. There is also scope for informal early contact as part of this process.

2. Consideration might be given to the Health Scrutiny function including its meetings being more visible in the local community including a (from time to time) presence at NHS sites and observing NHS decision making bodies.

3. There is a need to consider how to increase mutual awareness and understanding of how the local agencies operate and the major issues facing them – this could form part of the induction arrangements following the May Council Elections.

4. Some benefit may well flow from a greater focus on health inequalities in the borough – through the selection of a shared priority with the PCT which would also promote their important connection with the Health Scrutiny function: an early piece of work might also usefully feature the other identified important aspects of mental health and neighbourhood renewal whilst also not neglecting the Acute Trusts.

5. There is scope for Health Scrutiny meetings themselves (whilst generally well regarded) being clearer in their format and more engaging.

6. Attention might usefully given to the development of a greater shared understanding of what constitutes a Substantial Variation or Development but this should be approached

carefully and so far as is possible should be consistent with the approach of neighbouring boroughs in order to retain the goodwill of the NHS agencies.

7. Discussions should be held with the relevant Public and Patient Involvement Forum support officers and others to develop consistent ways of working beneficial to all parties.

8. A specific collaborative strategic approach with the PCT may usefully help determine the approaches and priorities by which Health Scrutiny can best impact on health services and health needs in the borough for the benefit of local residents, which is based upon a sustaining partnership approach rather than issue by issue.

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