DEMOCRATIC SERVICES COMMITTEE – 28TH SEPTEMBER 2017

SUBJECT: **SCRUTINY REVIEW: SCRUTINY SELF EVALUATION AND PEER REVIEW**

REPORT BY: **ACTING DIRECTOR OF CORPORATE SERVICES AND SECTION 151 OFFICER**

1. PURPOSE OF REPORT

1.1 For Democratic Services Committee to be informed of the outcome of the scrutiny self-evaluation and peer review and note the recommendation of Scrutiny Leadership Group, to be reported to full Council.

1.2 Democratic Services Committee are asked to consider if any further recommendations to Council are necessary.

2. SUMMARY

2.1 This report sets out the outcome of the scrutiny self-evaluation and the peer review, Democratic Services Committee is asked to comment on the outcome of the review and consider any recommendations to Council.

2.2 Scrutiny Leadership Group considered the outcome and recommended that a scrutiny self-evaluation exercise is carried out twice per council term in order to provide ongoing feedback and monitoring of scrutiny arrangements.

2.3 Democratic Services Committee are asked to note the action as a result of the Annual Governance Statement to ensure that scrutiny committees have an opportunity to consider reports on the Cabinet Forward Work programme as pre-decision items.

3. LINKS TO STRATEGY

3.1 The operation of scrutiny is required by the Local Government Act 2000 and subsequent Assembly legislation.

3.2 The self-evaluation proposals contribute to the following Well-being Goals within the Well-being of Future Generations Act (Wales) 2016 by ensuring that scrutiny function evaluates its effectiveness and identifies areas for improvement. An effective scrutiny function can ensure that council policies are scrutinised against the following goals:

- A prosperous Wales
- A resilient Wales
- A healthier Wales
- A more equal Wales
- A Wales of cohesive communities
- A Wales of vibrant culture and thriving Welsh language

- A globally responsible Wales

4. THE REPORT

SELF-EVALUATION

4.1 The Scrutiny Review agreed by full Council on the 5th October 2015 included a recommendation to carry out a self-evaluation 12 months after the changes had been agreed.

4.2 Scrutiny Leadership Group (SLG) considered the methodology for a self-evaluation of the scrutiny function and agreed to measure the effectiveness of scrutiny against an established set of characteristics for good scrutiny at its meeting on 27th October 2016. These Outcomes and Characteristics of Effective Scrutiny in Local Government had previously been endorsed by full Council in October 2013, as its strategic vision for a scrutiny function. Therefore these characteristics were used as a basis for the questionnaire.

4.3 The questionnaire was issued to all 73 Members and senior officers on 11 November 2016 with a deadline of 9th December 2016. The outcome of the questionnaire was reported to SLG on 26th January 2017 with a response rate for Members of 38% (28 out of 73 responses).

4.4 Scrutiny Leadership Group considered the responses and asked that the questionnaire be circulated again to Members to encourage more responses. This resulted in one additional response from a scrutiny member and gave an overall Member response rate of 40% (29 out of 73 responses). The questionnaire was anonymous therefore non-respondents could not be identified to encourage their response. The following table gives a breakdown of total responses received:

Breakdown of Responses Received

Respondent	Responses	Percentage of overall responses
Scrutiny Member	24	36%
Cabinet Member	2	3%
Non-scrutiny member	3	5%
Total Members	**29**	**44%**
Officers (105)	36	55%
Not indicated	1	1%
Totals	**66**	**100%**

4.5 The questionnaire was made up of three sections, Scrutiny Environment; Scrutiny Practice and Impact of Scrutiny. Each section set out a series of statements and asked respondents to indicate if they 'Strongly Disagreed' 'Disagreed' 'Agreed' 'Strongly Agreed' or 'Don't Know', however not all respondents answered every question. There was also the opportunity to give comments at the end of each section. In some instances there were some incomplete responses to the questions in a section; therefore not all sections added up to 100%.

4.6 A summary of the responses from Members are highlighted below:

Scrutiny Environment

- 82.5% considered that scrutiny has a clearly defined and valued role in the council's improvement arrangements and has the dedicated officer support it needs.
- Almost 90% of Members agreed that they have the training and development opportunities they need to undertake their role effectively.
- 72% felt that the Executive and CMT recognise scrutiny as an important council mechanism for community engagement.

Scrutiny Practice

- 69% considered that task and finish groups are non-political but 24% disagreed, however 79% felt they were methodologically sound as opposed to 14% who disagreed.
- 83% agree that forward work programmes are member-led and scrutiny committees have ownership with 14% disagreeing.
- 80% consider that stakeholders have the ability to contribute to the development and delivery of scrutiny forward work programmes. 7% disagreed with 14% responding with 'don't know'.
- 86% consider that scrutiny meetings are well planned and 76% consider them to be chaired effectively.
- 45% consider that scrutiny operates non-politically, however 48% disagreed with this statement.
- 76% consider that scrutiny deals effectively with, sensitive political issues, tension and conflict. However 17% disagreed.
- In terms of scrutiny building trust and good relationships with stakeholders, 76% of Members agreed with this statement for internal stakeholders (17% disagreed) and 69% agreed for external stakeholders,(24% disagreed).

Impact of Scrutiny

- 76% agreed that scrutiny regularly engages in evidence based challenge of decision makers, with 72% agreeing in terms of challenging service providers.
- 69% consider that scrutiny provides viable and well evidenced solutions to recognised problems. However 21% disagreed with this statement.
- 72% agreed that non-executive members provide an evidence based check and balance to Executive decision making, with 21% disagreeing.
- 66% agreed that decision makers give public account for themselves at scrutiny committees for their portfolio responsibilities. However 28% disagreed with this statement.
- 69% considered that scrutiny enables the 'voice' of local people and communities across the area to be heard as part of decision and policy-making processes, with 24% disagreeing.

PEER REVIEW

4.7   Arrangements for a peer review were made with Members at Newport City Council and Monmouthshire County Council and to take part in reciprocal peer evaluations. The Welsh Local Government Association agreed to assist each group to carry out the observations

4.8   Wales Audit Office provided a briefing for peer group members where Members were briefed on the good practice identified during the National WAO Scrutiny Study and the WAO report 'Good Scrutiny? Good Question.' The WAO identified some of the practice across Wales which could be useful as prompts for Members during the peer observations.

- Recognising the value and status of scrutiny has been mixed across Wales.
- Cabinet Members being held to account at scrutiny committee meetings.
- Officer support, what is the culture of wider officer support and quality of information.
- Recognising the role of Co-opted Members, are they used effectively?
- Good planning focussed work programme that is aligned to Cabinet work programme and improvement agenda.
- Effective use of pre-meetings, not too many items, Members are prepared.
- Impact of Scrutiny, understanding of the role and purpose.
- Quality of information from officers to enable scrutiny to be engaged, options, costs, involvement of stakeholders. Performance information analysis to include previous years data and comparisons.
- Effective chairing, to ensure questions are focussed and on topic, summarise at the end and establish next steps.

- Good questioning, thematic, challenging and focussed with follow up supplementary questions.
- Accessibility and public engagement - are the basics in place such as introductions and nameplates.
- How easy is it for the public to become involved, access to work programmes? What public involvement is there for service change proposals, has there been adequate consultation?

4.9 The peer observations took place between February and April 2017. The following committees were observed:

- Policy and Resources Scrutiny Committee on 28th February 2017.
- Health Social Care and Wellbeing Scrutiny Committee on 21st March 2017.

4.10 The peer observers were provided with observation sheets based on the Outcomes and Characteristics of Effective Scrutiny. The observation sheets included statements under scrutiny environment, scrutiny practice and the impact of scrutiny. The assessments were as follows:

Scrutiny Environment	P & R	HSCWB
Scrutiny has a clearly defined and valued role in the council's improvement arrangements (based upon the observation of this meeting)	Agreed	Agreed
Scrutiny has the dedicated support it needs from officers (based upon the observation of this meeting)	Strongly Agreed	Strongly Agreed
Scrutiny members appear to have effective training and development opportunities, evidenced through their questioning, listening and analysis skills and understanding of the subject under scrutiny	Agreed	Agreed
Conclusion	Arrangements are positively supporting improvement.	Arrangements are positively supporting improvement.
Scrutiny Practice		
Scrutiny takes into account the views of the public, partners and regulators, balancing the prioritisation of community concerns against issues of strategic risk/importance	Agreed	Don't Know
Overview and scrutiny meetings, activities and work programmes are well-planned (based on observation of this meeting)	Strongly Agreed	Don't Know
Overview and scrutiny meetings and activities are chaired effectively	Strongly Agreed	Agreed
Overview and scrutiny meetings demonstrate through their activities the best use of the resources available	Don't Know	Disagreed
Scrutiny operates non-politically and deals effectively with sensitive political issues, tension and conflict	Strongly Agreed	Agreed
Scrutiny builds trust and good relationships with a wide variety of internal and external stakeholders (based on observation of this meeting)	Strongly Agreed	Don't Know
Conclusion	Arrangements are playing a significant role in supporting improvement	Arrangements are partly supporting improvement
Impact of Scrutiny		
Scrutiny engages in evidence based challenge of decision makers (based on observation of this meeting)	Agreed	Disagreed
Scrutiny engages in evidence based challenge of service	Agreed	Strongly

providers (based on observation of this meeting)		Agreed
Scrutiny provides viable and well evidenced solutions to recognised problems (based on observation of this meeting)	Don't Know	Don't Know
Non-executive members provide an evidence based check and balance to Executive decision making.	Agreed	Agreed
Decision makers give public account for themselves at scrutiny committees for their portfolio responsibilities.	Strongly Agreed	Agreed
Overview and scrutiny enables the 'voice' of local people and communities across the area to be heard as part of decision and policy-making processes.	Agreed	Don't Know
Conclusion	Arrangements are positively supporting improvement	Arrangements are partly supporting improvement

4.11 The detailed observation sheets are attached at appendix 1 and 2, which gives further detail and clarification for the above responses. The main areas for consideration by Democratic Services Committee are as follows:

Policy and Resources Scrutiny Committee

Statement	Extract of Peer Comments
Scrutiny has a clearly defined and valued role in the council's improvement arrangements (based upon the observation of this meeting)	'The Cabinet Members' apparent commitment to and relationship with scrutiny was observed by the peer team, however, the peer team noted that the Cabinet Members were in attendance throughout the meeting (at least the parts of the meeting observed by the peer team) and wondered whether it would provide clearer 'demarcation' of responsibilities if they attended only for their specific items (although the peer team understood that cabinet members also wanted to remain for the presentation from BT).'
Scrutiny has the dedicated support it needs from officers (based upon the observation of this meeting)	'Several senior officers were in attendance at the committee meeting, which presumably is a customary approach, though it was noticeable that Cabinet Members answered most of the committee's questions, with officers providing only technical clarifications; the peer team regarded this as a positive approach as it showed clear political leadership.'
Scrutiny members appear to have effective training and development opportunities, evidenced through their questioning, listening and analysis skills and understanding of the subject under scrutiny	'The peer team noted that some members were more involved than others during the meeting; this might be due to different levels of confidence or engagement or whether this was due to the wide policy breadth covered by the committee and that members may have different interests and specialisms, which might not have been applicable or relevant to the specific housing matters under consideration at this meeting.'
Overview and scrutiny meetings demonstrate through their activities the best use of the resources available	'Some peer members questioned why some senior officers attended throughout the meeting, despite only having limited agenda items, but on balance it was felt that they may

	have benefited from observing the debate and views of members.'

Health Social Care & Wellbeing Scrutiny Committee

Statement	Peer Comments
Scrutiny members appear to have effective training and development opportunities, evidenced through their questioning, listening and analysis skills and understanding of the subject under scrutiny	Some evidence was seen of members asking relevant and constructive questions. In some cases it was not always clear what the purpose of asking the questions was and sometimes comments were made rather than asking questions.
Scrutiny takes into account the views of the public, partners and regulators, balancing the prioritisation of community concerns against issues of strategic risk/importance	This was not observed at the meeting. It was interesting to have young people presenting. Although the committee did not appear to respond to their requests for feedback. In other meetings, there might be opportunities to question the Health Board.
Overview and scrutiny meetings and activities are chaired effectively	The chair conducted a pre meeting, made people feel welcome, introduced those present and effectively summarised contributions. However no evidence was seen at this meeting of the chair clarifying the purpose of agenda items and encouraging the committee to achieve outcomes.
Overview and scrutiny meetings demonstrate through their activities the best use of the resources available	The observers noted that time was wasted, particularly officer time, they could have attended for their agenda items only. Opportunities to make recommendations and challenge witnesses were also not taken.
Scrutiny engages in evidence based challenge of decision makers (based on observation of this meeting)	There was no evidence of questioning or challenge of Cabinet members at this meeting although opportunities were available.

Annual Governance Statement

4.12 The Annual Governance Statement for 2016/17 highlighted an area for improvement identified in the review of the Council's governance arrangements during 2016/17. The review had suggested an improvement to existing processes in respect of the operation and maintenance of the cabinet forward work programme.

4.13 A procedure has been developed to monitor all reports on the cabinet work programme which will record when report titles are added and if scrutiny committees have had sufficient time to consider them as a pre-decision item. This will be monitored by Corporate Management Team and the Corporate Governance Group with updates provided for Audit Committee.

Scrutiny Leadership Group

4.14 Scrutiny Leadership Group (SLG) considered the outcome of the self-evaluation and peer review and generally accepted the responses. There were some concerns that just 45% of respondents consider that scrutiny operates non-politically (48% disagreed). SLG discussed the annual training provided to all scrutiny committees which includes the Characteristics of Effective Scrutiny, and reminds all committee members that good scrutiny 'operates non-politically and deals effectively with sensitive political issues, tension and conflict.' The training also reminds all committee members of the Attributes of Good Scrutineers who 'are not political in their approach to subjects.'

4.15   Each Scrutiny committee was provided with training as part of the post-election induction programme from May 2017, this training covers the terms of reference and good practice. Members who sit on more than one scrutiny committee were advised that attendance at more than one training session was not necessary, except where an understanding of the specific terms of reference was required. Listed below are the attendances:

Education for Life Scrutiny Committee
56% of Members were present (9 out of 16). However this has been adjusted to take into account that one of the absent Members had attended the training for Policy and Resources. Therefore the adjusted figure is 60%.

Health Social Care and Wellbeing Scrutiny Committee
62% of Members were present (10 out of 16).

Policy and Resources Scrutiny Committee
50% of Members were present (8 out of 16).

Regeneration and Environment Scrutiny Committee
31% of Members were present (5 out of 16). However this has been adjusted to take into account that one of the absent Members had attended the training for Education for Life. Therefore the adjusted figure is 33%.

Wales Audit Office

4.16   The Wales Audit Office have included a scrutiny related review in their 2017-18 programme of work, this is to be carried out at each of the councils in Wales. The focus is on scrutiny for the future and will explore with councils how 'fit for the future' their scrutiny functions are. The review will consider how councils are responding to current challenges, including the Well-being of Future Generations Act (WFG Act), in relation to their scrutiny activity, as well as how councils are beginning to undertake scrutiny of public service boards.

4.17   WAO will also review the progress councils have made in addressing the recommendations of their earlier National Improvement Study Good Scrutiny? Good Question. They will follow up on proposals for improvement relevant to scrutiny that were issued in any subsequent local reports including those issued to councils as part of the 2016-17 thematic reviews of Savings Planning and Governance Arrangements for Determining Significant Service Changes.

4.18   Caerphilly County Borough Council carried out a review of its scrutiny function during the National Improvement Study Good Scrutiny? Good Question and produced a Scrutiny Improvement Action Plan in 2013. This resulted in recommendations to improve the scrutiny function and included training for members, changes to committee room layout and procedures, improvements to public engagement for scrutiny, performance management reports such as wellbeing objectives to be reported to scrutiny annually and changes to forward work programmes which were published on the council website.

4.19   Full council considered the outcome of a further review of its scrutiny arrangements in October 2015. The aim was to identify further improvement to the operation of scrutiny following recommendations from the Wales Audit Office report 'Follow-up of the Special Inspection and Reports in the Public Interest', dated January 2015. These changes have been evaluated in this report.

4.20   In May 2016 Full Council considered changes to the structure of its scrutiny committees to take into account the statutory requirement to scrutinise the Public Services Board set out in the Wellbeing of Future Generations Act. Council agreed to re-designate the Crime and Disorder Scrutiny Committee as the Partnerships Scrutiny Committee.

WELL-BEING OF FUTURE GENERATIONS

5.1 This report contributes to the well-being goals as set out in links to strategy above. It is consistent with the five ways of working as defined within the sustainable development principle in that by carrying out a self-evaluation and taking part in a peer observation the scrutiny function will be better able to identify areas for improvement. This should ensure that the scrutiny function is more effective when reviewing services and policies and ensure it considers the wellbeing goals.

6. EQUALITIES IMPLICATIONS

6.1 This scrutiny self-evaluation included questions on involving a wide range of evidence and perspectives, building trust and good relationships with a wide variety of internal and external stakeholders. This sits alongside protocol and guidance on expert witnesses and task and finish group guidance. The aim was to evaluate the scrutiny function and any further areas for improvement.

7. FINANCIAL IMPLICATIONS

7.1 There are no financial implications that are not contained in the report.

8. PERSONNEL IMPLICATIONS

8.1 There are no personnel implications that are not contained in the report.

9. CONSULTATIONS

9.1 There are no consultation responses not contained in the report.

10. RECOMMENDATIONS

10.1 Democratic Services Committee to consider the outcome of the self-evaluation and peer review and if there are any further changes to scrutiny to be recommended to Council.

10.2 Democratic Services Committee to note the recommendation to Council by Scrutiny Leadership Group, that the self-evaluation questionnaire is carried out twice per council term in order to measure scrutiny performance.

11. REASONS FOR THE RECOMMENDATIONS

11.1 To ensure that the changes as a result of the scrutiny review are evaluated and identify if any further improvements are necessary.

12. STATUTORY POWER

12.1 Section 21 of the Local Government Act 2000

12.2 Local Government (Wales) Measure 2011

Author: Catherine Forbes-Thompson, Interim Head of Democratic Services
Consultees: Chris Burns, Interim Chief Executive
               Nicole Scammell Acting Director Corporate Services and Section 151 Officer
               Gail Williams, Interim Head of Legal Services and Monitoring Officer

Appendices:
Appendix 1   Policy and Resources Scrutiny Committee Peer Observation
Appendix 2   Health Social Care & Wellbeing Scrutiny Committee Peer Observation

Background: Scrutiny Review Council 5th October 2015
                   Scrutiny Improvement Action Plan Council 8th October 2013
                   Good Scrutiny? Good Question! - Auditor General for Wales Improvement Study:
                   Scrutiny in Local Government – 29th May 2014