**SCRUTINY COMMISSION
14TH DECEMBER 2006**

**REPORT OF THE SCRUTINY REVIEW PANEL
ON SCRUTINY SUPPORT**

Introduction

1.   This report sets out the conclusions and recommendations arising from the Scrutiny Review Panel investigation of the support and resources needed for the Scrutiny function of the Council and the training requirements of Scrutiny Members.

Scope of the Review

2.   At its meeting on 5th May 2006 the Scrutiny Commission considered the future structure of Scrutiny with reference to the Green Paper 'Getting the Best out of Scrutiny'. Arising from this paper, the Commission decided to set up a panel '*to review the support and resources needed for the Scrutiny function of the Council and the training requirements of Scrutiny Members'.*

Membership of the Panel

3.   The Panel members were Mr R Fraser CC, Mr S Galton CC, Mr D Houseman CC, Mr Mike Jones CC and Mr P Osborne CC.

        Mr P Osborne was appointed Chairman of the Panel.

Conduct of the Review

4.   The Panel met on two occasions – 2nd October focussing on the support and resources for the Scrutiny function and 9th November 2006 focussing on the training requirements of scrutiny members. The information considered by the Panel during the course of the review is listed in **Appendix A** to the report.

5.   The findings of the Panel are set out in two parts, the first part dealing with support for scrutiny and the second part with training.

A: SUPPORT FOR SCRUTINY

(a) The National Perspective

(i) Models of Support

6. Support for Scrutiny has been broadly categorised into 3 main types in academic and research studies:-

Minimal (Committee Support Model)

Direct officer support is provided by committee officers, who also provide support to other political forums, such as the executive, full council and so on.

Integrated

Direct officer support is provided, on a part-time basis, from a variety of sources, including committee services, officers within departments and corporate policy officers. All these officers also undertake work for the executive.

Specialist

Direct officer support is provided by a scrutiny support unit with dedicated officers, who only work to their overview and scrutiny committees.

7. In 2005 the Centre for Public Scrutiny (CFPS) undertook a survey of local authority overview and scrutiny arrangements. Their findings were as follows.

	All Authorities %	All County Councils %
Specialist Model	52	68
Integrated Model	27	27
Committee Support Model	19	5

8. The survey findings also suggested that there was no correlation between a particular model and Comprehensive Performance Assessment (CPA) scores. Good scrutiny teams can be found in all models. The key was to establish that whatever model was chosen was 'fit for purpose'. These findings have been accepted by the ODPM in discussion papers and presentations.

(ii)   Levels of Support

9.   The CFPS Survey referred to above also looked at the level of support provided for scrutiny. The survey results showed that Authorities were operating on average with 1.2 fte dedicated scrutiny officers rising to **2.9 fte in county authorities**. The tables below set out the findings:-

Staff numbers excluding health	total	average
Dedicated staff	308.8	1.2
Committee staff	321.75	1.3
Researchers	8	0.0
Administrators	44	0.2

Staff numbers – health scrutiny Only (for those with statutory responsibility)	total	Average
Dedicated staff	47.55	0.5
Committee staff	17.3	0.2
Researchers	2.2	0.0
Administrators	0.5	0.0

10.   In Leicestershire the level of support provided by the Democratic Service Section for scrutiny (including health scrutiny) amounts to an estimated **4.8 fte** and is made up as follows

        5 Committee Officers who provide the equivalent of:- 3 fte
        Health Policy Officer   1 fte
        Administrative and Clerical   0.8fte

11.   In addition to Committee Support, the Head of Legal Services who acts as Head of Scrutiny estimates that at least one third of his working time is devoted to supporting Scrutiny. The work of the Head of Democratic Services in overseeing the committee servicing element of scrutiny activity has also not been taken into account in these figures.

12.   The Panel has noted that the level of direct support provided to scrutiny activities in Leicestershire appears to be well above the average.

(b) Leicestershire's Approach

(i) Committee Support

13. In 1999 the County Council introduced the Leader/Cabinet/Scrutiny model of decision making. The current arrangements for supporting scrutiny were put in place at that time. These arrangements have been kept under review and have stood the test of time.

14. Under the Leicestershire model support is provided from a variety of sources, which includes committee services, officers from service departments and corporate policy officers (similar to the Integrated Model). This flexible support can also be extended to include provision from outside the County Council, especially in the case of Review Panels, where people or organisations having particular knowledge or expertise may be invited to give evidence

15. The officers in Democratic Services who support Scrutiny are managed by the Head of Democratic Services and Administration who undertakes the "Head of Profession" role. In addition to this, the Head of Legal Services acts as Head of Scrutiny. This arrangement helps to provide a degree of separation from the support given by the Head of Democratic Services to the Council and Executive and gives Scrutiny a senior officer lead, with direct access to the Chief Executive.

16. The Panel has paid tribute to the professionalism and dedication shown by all of those staff within the Chief Executive's Department who support Scrutiny activities.

17. The Panel has received details of the Development Scheme for Committee Officers which has operated successfully within the County Council in recent years. The Democratic Services Section decided in 2002 to embark on a programme to recruit graduates and to provide them with training (in-house and external) and on the job coaching. The decision was taken in the light of experience of the market place (previous advertisements for experienced committee officers had not attracted the right calibre of staff) and the need for succession planning. Under the scheme the 'trainees' progress under a career grade and are given a range of training and development opportunities and this includes experience on all elements of committee activity – i.e. the Executive, Scrutiny and Regulatory. This has proved to be an effective way of both meeting the Section's recruitment and retention needs and providing flexibility in the way in which committee staff are deployed.

(ii) Policy Support for Scrutiny

18. The Panel was aware that there is a perception amongst some members that Scrutiny is the 'poor relation' of the Executive and is unable to call upon the same level of policy advice and support for its

work. This has led to calls for the provision of a dedicated Scrutiny Officer Support Unit – ie the Specialist Model. Evidence given to the Panel shows, however, that the Council's current arrangements do provide a full range of support for Scrutiny. This is clearly demonstrated in the case of the Scrutiny Review Panels which have received direct support not only from committee officers and officers from service departments appropriate to the reviews conducted, but also from people and organisations outside the Council. **Appendix B** gives details of Scrutiny Review Panels conducted from 2004/05 to the current year and the level of support that these Panels have had. There is no evidence that a specialist Scrutiny Support Unit would provide more comprehensive support than that already provided. Indeed, it could be argued that such an arrangement would be more restrictive.

19.   The appointment of a dedicated Policy Officer to support health scrutiny was made to enable the County Council to develop an understanding and relationship with health bodies and recognised that such expertise did not already exist within the County Council. Similar arguments could not be put forward for pursuing a bid for policy support officers for scrutiny of the County Council's own direct activities. The Panel also noted that where necessary external policy support could and has been commissioned as shown in **Appendix B,** which gives details of external bodies called in to assist review panels with their work.

(iii)   Analysis and Conclusions

20.   On the face of it, the specialist Scrutiny Support Unit offers one key advantage over other models – that the officers work only on scrutiny issues and can develop a greater knowledge and expertise of the scrutiny area. On the other hand, there is a concern that this has potential for producing divisions and tensions within the traditionally unified officer structure serving the whole Council. There are also issues about whether it would be easy to recruit staff who would be willing to commit themselves to working exclusively in the scrutiny area rather than being involved in the wider picture and whether there would be a greater risk of 'politicisation' of officer support to scrutiny.

21.   If the Council was minded to introduce a dedicated Scrutiny Support Unit this could not be achieved simply by re-allocating officers who currently support Scrutiny to this role on a full-time basis. The existing flexible working arrangements make it possible for the workload of Scrutiny Support and support to the Council, the Executive, the Regulatory arm, and other partnership and officer meetings to be managed and balanced out across the Democratic Services Team. This allows for peaks and troughs in workload, training and sickness and holiday absence to be covered. If the structure was changed to provide for a number of Committee Staff to provide support to scrutiny exclusively this would require substantially more staff resources to be allocated to the Section, without any obvious improvement in services.

22. The Panel is of the view that the Committee Support Model is an approach best suited to smaller local authorities with more limited staffing resources and could not meet the needs of the County Council.

23. The Panel is satisfied that the current arrangements for supporting Scrutiny work effectively and are, by virtue of their flexibility, highly adaptable to meet evolving and changing circumstances.

c) <u>Scrutiny Activity</u>

24. The Green Paper submitted to the Council in May envisaged a reduction in the number of formal meetings and an increase in the number of Panel meetings. The table below shows that whilst there has been an increase in the number of panel meetings there has not been a substantial corresponding decrease in the number of formal committee meetings.
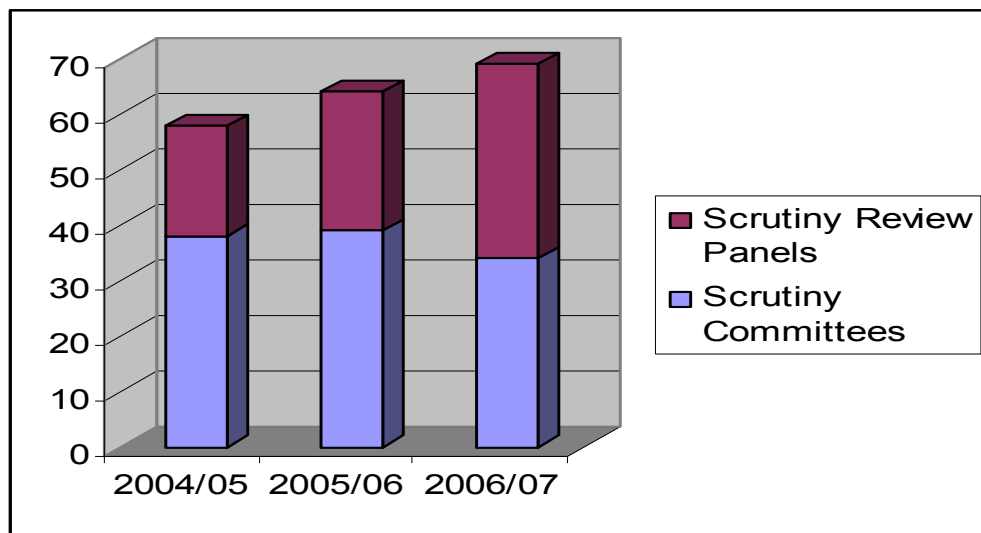
25. Whilst the above table may suggest the need for additional staff to support scrutiny activity, it should be borne in mind that the figures exclude health scrutiny meetings. The level of activity on health scrutiny is variable and difficult to predict. During 2004-06 the County Council Health Scrutiny structure included a separate Health Scrutiny Committee plus four Subcommittees. The abolition of the four Subcommittees and the merger of the Health Scrutiny Committee with the Adult Social Care Scrutiny Committee have created capacity to help to deal with this increased activity.

26. The Panel has also noted the current level of activity on Scrutiny Panels and is of the view that the optimum number of Panels that can be undertaken in any one year is approximately 8. The current level of activity appears to be self regulating as it is already placing demands on members. There have been difficulties about member availability for

Review Panel meetings. The Panel was, nevertheless, concerned that in some cases there was a delay in commencing some panels and has suggested that the first meeting of any panel should take place within 8 weeks of it being commissioned.

27. The County Council is about to consider proposals for establishing a Community Engagement Scrutiny Committee. The Panel noted that it was proposed that this Committee may be operational by December/January. This will no doubt generate additional demands on staff servicing scrutiny meetings. The Head of Democratic Services has advised the Panel that based on this estimated level of committee activity, including scrutiny, he believes he has sufficient staffing resources to cover the workload. However, should there be any significant increase in the workload in any aspect of committee support for example if the County Council was required to service any of the meetings of Community Forums, then additional staff would definitely be required. At this point, the impact of this new Scrutiny Committee is uncertain and the Panel is unable to come to a view on potential resources requirements. The position will need to be monitored in the light of this and any other developments which may emerge from the recently published Local Government White Paper and other proposals.

28. **The Panel has therefore concluded that at the time of the review, the staff support available for scrutiny is sufficient but recommends that the impact of developments such as the Local Government White Paper, the proposed new Community Engagement Scrutiny Committee and the creation of the Community Forums should be monitored and the position kept under review.**

B: TRAINING FOR SCRUTINY MEMBERS

29. The Panel has noted that at the time of the Council's first CPA the Council's own assessment recognised that arrangements for member learning and development were largely ad hoc and unstructured. Since that time a great deal of progress had been made. An all party member working group chaired by Dr R K A Feltham CC had been involved in developing and implementing a comprehensive Learning and Development Strategy for Elected Members. This involved, amongst other things, arrangements for inducting newly-elected members, giving members an opportunity to identify their own personal development needs with the assistance of an external consultant and regular briefings for all members on important organisational issues.

30. A certain amount of training has been arranged specifically for scrutiny members relating to scrutiny and the skills required for effective scrutiny and, in particular, there has been extensive training on scrutiny of the National Health Service for the members serving on the Health scrutiny bodies

31. The Panel recognises that it is no easy task to organise effective training for members for a number of reasons, as follows:

- The great diversity of backgrounds, knowledge and experience;
- The need to recognise the different roles of members, representing local 'patch' issues, developing their knowledge of areas of personal interest and their political role;
- The need to recognise the many demands on members' time and the importance of tailoring training to maximise its benefit to members whilst at the same time keeping to a minimum its impact on their workload

32. The Panel has concluded that member training needs essentially fall into the following categories:

(i) Personal skills development such as speed reading and effective chairing of meetings.
(ii) Improving their knowledge and understanding of the Council's responsibilities and activities.
(iii) Training that falls between categories (i) and (ii) above, such as scrutiny skills like effective questioning techniques

33. The Panel has drawn the following conclusions in relation to training for scrutiny members

- **More training should be provided to develop members' scrutiny skills;**
- **Members should receive early briefings on new legislation or proposed legislation and this type of training could usefully be provided by external trainers and facilitators as well as by Council officers;**
- **External training could usefully be provided by elected members from other local authorities which are either beacon authorities or acknowledged as leaders in their field;**
- **When organising training events for members, every effort should be made to minimise their impact on members' time, eg requiring them to take several periods of time off work;**
- **There may be added value in organising some types of training in more intensive blocks (eg over one or two days) for groups of members to allow members to bond more effectively; however, members' time commitments may limit this;**
- **A comprehensive record of all training and development for members should be maintained**

C: IMPLICATIONS OF THE LOCAL GOVERNMENT WHITE PAPER

34.   The Local Government White Paper was published during the course of the Panel's review. The White Paper is couched in very general language and there is need of more detail before its full implications for the Council can be assessed. However, there appear to be five key issues relating to scrutiny. These are referred to briefly below in together with a brief comment on each.

   (i) **Scrutiny should have a more significant role on policy development**; this is already the case in Leicestershire through the work of scrutiny review panels and consideration of Cabinet reports by scrutiny committees;

   (ii) **There should be an effective system in place for considering and responding to petitions**; the Council has an effective system in place and the recent decision to allow Highway Forums to consider petitions relating to highway issues in their locality is very much in the spirit of the White Paper;

   (iii) **Scrutiny Committees will be given the power to require key local public bodies to attend meetings to account for their actions**; it is the Panel's view that, whilst these powers have a certain 'persuasive' effect, it is more constructive for local public bodies to be invited to attend meetings not only to account to scrutiny for their actions but to give their perspective on issues of mutual interest and concern; experience of scrutiny in Leicestershire was that external bodies had never refused to attend;

   (iv) **The 'community call for action' will allow members to raise issues of local concern at scrutiny committees if they are unable to resolve these issues in discussion with council officers or with the executive;** there is insufficient detail about this proposal to be clear about how effective it will be and how much it will be used but some concern that it may not add greatly to the existing powers of scrutiny and could be open to abuse;

   (v) **Scrutiny should have greater involvement in community cohesion issues**; the Panel considers that this is likely to be more appropriate in large urban authorities than in rural counties

35.   It is probable that current scrutiny arrangements, as well as other aspects of the constitution, will have to be reviewed in the light of the new executive arrangements proposed in the White Paper

36.   **There are a number of issues arising from the White Paper that may have a significant impact on the operation of the scrutiny function, its current operating procedures and its support arrangements but, at this stage, it is not possible for the Panel to be more specific**

<u>**Summary of the Panel's Key Findings and Conclusions**</u>

37.   **Support for Scrutiny**

- **The Panel has noted that the level of direct support provided to scrutiny activities in Leicestershire appears to be well above the average.**

- **The Panel is satisfied that the current arrangements for supporting Scrutiny work effectively and are, by virtue of their flexibility, highly adaptable to meet evolving and changing circumstances.**

- **The Panel has therefore concluded that at the time of the review, the staff support available for scrutiny is sufficient but recommends that the impact of developments such as the Local Government White Paper, the proposed new Community Engagement Scrutiny Committee and the creation of the Community Forums should be monitored and the position kept under review.**

38.   **Training for Scrutiny Members**

- **The Panel has drawn the following conclusions in relation to training for scrutiny members**

  o **More training should be provided to develop members' scrutiny skills;**

  o **Members should receive early briefings on new legislation or proposed legislation and this type of training could usefully be provided by external trainers and facilitators as well as by Council officers;**

  o **External training could usefully be provided by other local authorities which are either beacon authorities or acknowledged as leaders in their field;**

  o **When organising training events for members, every effort should be made to minimise their impact on members' time, e.g. requiring them to take several periods of time off work;**

  o **There may be added value in organising some types of training in more intensive blocks (e.g. over one or two days) for groups of members to allow members to bond more effectively; however, members' time commitments may limit this;**

  o **Proper records of all training and development for members should be maintained**

39.   Implications of the Local Government White Paper

- **There are a number of issues arising from the White Paper that may have a significant impact on the operation of the scrutiny function, its current operating procedures and its support arrangements but, at this stage, it is not possible for the Panel to be more specific**

Recommendation

40.   The Scrutiny Commission is recommended to approve the conclusions of the Review Panel and to ask the Cabinet to consider the Review Panel's report.

PETER OSBORNE CC

Chairman of the Review Panel

INFORMATION CONSIDERED BY THE PANEL

➢ Democratic Services Structure Chart;

➢ Centre for Public Scrutiny (CfPS) 2005 – Local Authority Overview and Scrutiny Survey;

➢ "What makes a Good Scrutiny Team" – Presentation to the CfPS Officer Development Day;

➢ Staffing Support to Scrutiny – Report to the Scrutiny Reference Group on 27th May 2002;

➢ "A hard nut to crack?" - making overview and scrutiny work – paper from the Institute of Local Government Studies at the University of Birmingham;

➢ Green Paper – Getting the Best out of Scrutiny;

➢ Job Descriptions for Overview and Scrutiny Chairmen and Spokesmen;

➢ Comprehensive Performance Assessment of Leicestershire County Council (December 2004);

➢ District Audit Study of the Overview and Scrutiny Function in Leicestershire – 2003

➢ Scrutiny Meetings Data 2004/05 to 2006/07:

➢ Committee Services – list of meetings;

➢ Scrutiny Review Panels 2004/05 and 2005/06

➢ Development Scheme for Committee Officers

➢ Member Learning and Development

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