

APPENDIX 1

Leicestershire County Council: Review of Overview and Scrutiny
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Final Report May 2008

Objectives

Early in 2007, we were asked by the then Group Leads on the Scrutiny Commission to carry out together a review of Overview & Scrutiny (O&S). One of us, Steve Nicklen, had earlier advised the Cabinet about the leadership of the county council in the round and had highlighted O & S as an area meriting further development to enable it to make a greater contribution to the council's work. This and other reviews have identified O&S in the county council as less effective than it could be. The other one of us, Jessica Crowe, is the Director of the Centre for Public Scrutiny (CfPS), the expert central body on O & S.

Following discussions with the Chair of the Scrutiny Commission and Cllrs Galton and Osborne and (subsequently) with Cllr Hart, the following guidelines and objectives were set for this review:

- Review to be overseen by members of the Scrutiny Commission
- The Chief Executive also involved, to ensure that the broader organisation's perspectives were taken into account
- Focus should be on process, behaviours and skills, not on structure
- Changes may be needed within the Administration and officers, as well as by Members involved in O&S
- Develop a shared understanding of the role of O&S
- Involve O&S at earlier stages in policy formulation
- Improve coordination of the O&S work programme
- Need to reflect recent improvements – Budget Process; working between Scrutiny and Executive on selecting policy issues for Scrutiny
- Identify some quick wins

Work Programme

The process that we have followed is set out below.

- Analysis of two selected completed Scrutiny Reviews – Street Lighting and Visitors to Libraries - in workshops of scrutiny chairs and spokespersons, using the CfPS's self-evaluation framework
- Selected Members visit "good practice" councils and other scrutiny settings (Nottingham, Worcestershire, Wiltshire, House of Commons)
- Areas for change identified by the Group Leads on the Scrutiny Commission and later discussed, within our Interim Report, by a broader group of Scrutiny Chairs and Spokesmen
- Final Report, incorporating our recommendations

The details of this process are:

July 2007 Meetings with 3 Group Leads of the Scrutiny Commission and the Chief Executive during LGA Conference

4 Sept 07 Workshop with Members

9 Oct 07 Visit to Nottingham

2 Nov 07 Visit to Worcestershire

6 Nov 07 Self-evaluation workshop with Members

8 Nov 07 Visit to Wiltshire

21 Nov 07 Visit to House of Commons and CfPS Parliamentary Seminar

14 Jan 08 Workshop with Group Leads on the Scrutiny Commission

9 April 08 Workshop with Scrutiny Chairs and Spokesmen

The available notes of the visits are attached as Appendices 1A, 1B and 1C, and a summary of the key points made during the evaluation of the street-lighting review on 6 November and of Visitors to Libraries review on 9 April are attached as Appendices 2A and 2B.

Areas identified for Change and Recommendations

At the workshop on 8 January, the Group Leads on the Scrutiny Commission examined our work to date and identified areas for change within O & S, asking for further information on good practice elsewhere, to provide options on how these changes could best be implemented. These areas and good practice examples were incorporated into our Interim Report, which was discussed by a broader group of Scrutiny Chairs at a workshop on 9 April.

These areas are set out below, alongside our recommendations

1. O&S engagement with Borough and District Councils and the City Council

As part of the County Council's leadership role, Scrutiny Leads should take a lead in bringing together scrutiny chairs from the Boroughs, Districts and the City to identify issues of common concern where joint scrutiny work could be valuable. There had been an attempt to do this in the past which had not then been picked up by the other councils. However, we regard the development of the new LAA and Sustainable Community Strategy as providing new incentives for the other councils to cooperate, as indeed does the recent Local Government and Public Involvement in Health Act, which encourages district councils' scrutiny of partners to be carried out jointly and with the county council. This is increasingly the path that other County Councils are taking and will be the hall-mark of high-achieving scrutiny functions in the future.

RECOMMENDATION 1: We recommend that the council renews its action to coordinate scrutiny activity with the Borough, Districts and City Councils.

2. O&S involvement in budget setting and policy development

A Involvement in Budget Setting. Significant progress has been made in this area recently and that O & S is now involved at an earlier stage in the budget-setting process. We believe that even earlier involvement in and a structured approach to challenging the Medium Term Financial Plan of the council should be adopted. There are issues of trust and confidence and O & S needs to demonstrate its effectiveness

and ability to make constructive proposals in this policy context. If it were to do so, it could play a bigger role in identifying efficiency savings.

There are a number of options for doing this. **Wiltshire** have had a specialised task group since 2002 dedicated to budget and MTFP scrutiny, recognising that not all Members will be comfortable with financial issues and that it needs long-term focus. **West Sussex's** select committees hold a series of sessions, individually and jointly, throughout the year to build Members' awareness and take a joined-up approach to priorities for savings. They have been able to demonstrate a clear impact on the budget, for example succeeding in reinstating a proposed cut to carers' grants. [Further information and case studies on financial scrutiny, which could provide further options, are available in CfPS's publication, produced jointly with CIPFA, "On the Money".]

RECOMMENDATION 2: We recommend that the council adopt one of the above two options (or another mechanism that it feels appropriate to Leicestershire County Council) to involve scrutiny even earlier in a constructive approach to formulating and challenging the Medium Term Financial Plan

B Long-term planning of O&S Work Programme and its involvement in policy development. This is another area where significant progress has been made, including more regular meetings between the Group Leads in Scrutiny and the Leader and Chief Executive to share work programme information. Also the C&YP Committee is becoming more proactive in seeking to plan agendas further ahead. This progress could be taken further, becoming more systematic and strategic to put Leicestershire at the forefront of good practice. Many Members would like more of a role in policy development and review, not just as a consultee. We think that if these discussions could take place at a early stage, when party political positions have not yet been firmly taken on issues - what we describe as a "pre-political stage" – and if the Administration could seek to remain as flexible as possible, for as long as possible, about the ways in which their policies could best be delivered, this would assist this.

Examples of good practice that provide options for doing this are found in councils as varied as **Oxfordshire, Salford and Torbay**, who hold major 'away day' style events or conferences at the start of the year to debate the key issues likely to require scrutiny over the coming year. These can involve national speakers, involvement of partners (Oxfordshire do this particularly in relation to health scrutiny and involve health sector partners), staff from across the council and members. Another option for Leicestershire to move ahead in its practice would be to seek to engage the public more in setting its scrutiny programme. **Richmond-upon-Thames** posted a list of 12 potential scrutiny topics on the front page of their council website, asked visitors to the website to vote for the priority issues needing scrutiny, and included the top 3 in their work programme.

Group Leads on the Scrutiny Commission agreed that scrutiny committees should meet after the AGM to develop their work programmes and the Scrutiny Commission should have a role in co-ordinating these to avoid duplication and manage resources and we endorse their thinking.

RECOMMENDATION 3: We recommend that the Group Leads on the Scrutiny Commission enact scrutiny committees meeting after the AGM to develop their work programmes and that the Scrutiny Commission should have a role in co-ordinating

these to avoid duplication and manage resources, and that further options should be examined for further involving scrutiny in policy development.

3. Scrutiny Chairs and other members taking ownership of their own agendas and development

The major, perhaps the headline, conclusion we have reached during our review is that Members involved in O& S need to take responsibility for their own development. Taking this personal responsibility under the leadership of the Scrutiny Commission is the best way to make the council's O &S work better.

Setting the work programme more systematically, as described earlier, will help with this, but this is fundamentally about attitude and approach by Members themselves, with Scrutiny Chairs (supported by all Scrutiny Spokespersons) bearing a particular responsibility. The following paragraphs develop this theme.

A Scrutiny Members brief themselves better internally. Members were particularly impressed by scrutiny members' behaviour in Nottingham, which indicated that they had briefed themselves in advance and had prepared fully for their meeting by reading papers, thinking about the issues and considering questions to ask. The same was felt to be true in relation to Parliament. By contrast, we were told that at the county council some members made little attempt to read papers or brief themselves before meetings. There was felt to be a role for party group Whips in changing behaviour within their groups, as ultimately it is only members themselves who can deliver change on this.

RECOMMENDATION 4: We recommend that members involved in O&S should seek more systematically to prepare themselves for committee and panel meetings

B Scrutiny Members seek more external exposure to public In evaluating one of the Council's recent reviews – Visitors to Libraries (Appendix 2A) – we noticed that a large number of external sources of evidence were consulted. By contrast, another recent review - Community Safety, of which we carried out a document review - revealed that despite crime usually featuring highly in the public's list of concerns, no evidence appeared to have been sought or received from members of the public or community groups during this review. The only external voice heard by the committee was a senior police officer. We believe that O& S could do more to get an external perspective on its work more systematically across all reviews.

There is also an opportunity here to strengthen O&S interaction and engagement with the public using a variety of means, including the website and advertising for public evidence in the local press. While there is often scepticism about whether the public are interested in engaging with councils, when the topic is relevant there is evidence to suggest that they will. Good practice elsewhere provides options for achieving this. For example, when **Staffordshire Moorlands** reviewed local bus services, an advertisement in the local paper, the Moorlands Messenger, asking for views resulted in both written and oral evidence and the engagement of a number of key community groups.

South Somerset are a Beacon Council for community engagement and have a well-established system of area forums which have improved members' connections with their local patch and worked effectively with the council's scrutiny function. They have

carried out local scrutiny reviews of issues only affecting their area (e.g. post office closures), and have referred issues of concern in one area up to the central scrutiny committee for further attention (e.g. problems with gully-cleansing where the resulting scrutiny review led to recommendations for change being adopted by the county council).

Finally, the new provisions for Councillor Call for Action (formerly Community Call for Action) in the 2007 Local Government Act offer further opportunities for scrutiny to engage with the public through the work of individual county councillors' work in their local patches. It is unfortunate that the planned **Kirklees** visit could not be arranged. However, there is a great deal of information on the Kirklees experience of piloting CCfA on the IDeA Communities of Practice (CoP) website: www.communities.idea.gov.uk, which also contains information on a two-tier pilot CCfA in **Tunbridge Wells**, involving both county and district councillors in that area. Kirklees' approach was to focus on promoting the role of the ward councillor as the instigator of CCfAs, rather than the mechanism itself, while both authorities focused hard on getting buy-in across the council for the process, with a working group, briefings and securing senior management and Cabinet endorsement. The government is currently consulting on its approach to guidance to implement CCfA, which is expected over the summer.

RECOMMENDATION 5: We recommend that the Scrutiny Commission lead all Scrutiny Committees and Panels in looking for ways of both increasing external perspectives on their work and in involving the public more in it, and that the council start to develop its approach to implementing Councillor Call for Action.

C Scrutiny Chairs expect questions from all Members It is important to emphasise the crucial importance of the Chair of the Scrutiny Committee or Panel. The visit to **Nottingham** and attendance at the CfPS **Parliamentary Seminar** illustrated how effective chairs seek to involve other members, agree in advance the questions each member is going to ask, ensure lines of inquiry are followed through and ensure recommendations are followed up. Members were impressed by what they saw and took on board the need for Chairs to show leadership in how they manage meetings. Discussions between the Chairs and the other Spokesmen to actively manage agendas and pre-meetings of committees and panels to prepare questions in advance, before hearing from witnesses for instance, would assist with this.

RECOMMENDATION 6: We recommend that Scrutiny Chairs take a consistent lead in managing agendas actively and in ensuring that all committee and panel members ask appropriate questions at meetings

D Scrutiny Members develop better forensic questioning skills Again, the Nottingham visit illustrated the effectiveness of good questioning skills. Members reported that it had been tough but not overly aggressive, and that the officers present to answer questions had clearly been expected to provide answers. The CfPS publication 'Putting it into practice: the Questioning Technique' is attached as Appendix 3. It is also available to download: www.cfps.org.uk/publications.

RECOMMENDATION 7: We recommend that all members involved in O&S seek opportunities to improve their questioning skills

We discussed with the Group Leads on the Scrutiny Commission ways in which the county can help Members to develop in these ways. They endorsed our suggestion that training sessions should be run for Scrutiny Chairs and, with a somewhat different focus, for other members involved in O&S.

RECOMMENDATION 8: We recommend that training sessions be made available for Scrutiny Chairs, on the one hand, and for all members involved in O&S, on the other hand, to enable them to re-examine their respective roles, to identify the skills they need to carry these out effectively and to develop these skills.

We believe that this support could be helpfully underpinned through the Scrutiny Commission using the existing statements of the roles of members involved in O&S to enable them to review annually, in discussion with the Group Party Whips the extent to which individual committees and panels, and their chairs and other members, are carrying out these roles effectively going forward. Use of the CfPS self-evaluation framework could also assist in carrying out this task.

RECOMMENDATION 9: We recommend that the Scrutiny Commission should keep under annual review the effectiveness of committees and panels.

4. General awareness of importance of O&S

Members commented favourably on the constructive approach usually taken by the Administration and officers to the work of O &S. But some also said that the approach taken was not consistently constructive and mentioned that they had felt it necessary on occasion to resort to FOI requests to get answers to some questions. We are not in a position to comment on the rights and wrongs of particular situations in the past, but clearly it would be desirable to avoid this going forward. We agree with the view expressed by the Group Leads on the Scrutiny Commission that some steps should be taken here by the Administration and organisation to ensure that there are no misperceptions about the importance the council attaches to O&S. For this to be sustainable, it will need to be supported by Members in O&S demonstrating that they will treat confidential information appropriately, using it in any constructive way, to build trust.

RECOMMENDATION 10. We recommend that that the Leader and Chief Executive look for early opportunities to reiterate the importance they attach to O&S and to the Administration's and organisation's consistently constructive support for it, for example in corporate induction sessions.

5. Build in follow-up process on Committee and Panel recommendations

As a result of reviewing the scrutiny panel review of street-lighting, which was felt to have worked well in general, some Members have told us that there needs to be a systematic following-up of recommendations that have been made by committees and panels. Some members believe that it has been down to the Chair of that panel to 'chase' officers regarding implementation of recommendations, whereas a follow-up system, agreed at the end of each review, would improve the effectiveness and impact of scrutiny. Automatic updates for Chairs is one way of keeping track of progress and will help Chairs manage agendas. It appears that recommendations may be being kept under review already, but that this is not being communicated explicitly to the relevant Chairs. Again, this may just be a matter of perception, but it is nonetheless important.

RECOMMENDATION 11. We recommend that the relevant Chairs be informed periodically about follow-up to committees' and panels' recommendations

6. Dedicated resourcing

Some Members have argued that there should be more dedicated resources and dedicated officers for O & S in the county council. There is no clear evidence to support the argument that the more officers or resources that scrutiny has, the better its performance. However, anecdotally there is a widely held belief that this is so. It is therefore a matter of political judgement whether there is a need for change.

The facts are that only **17%** of county councils in last year's CfPS Annual Survey of Overview and Scrutiny in Local Government used the integrated model adopted in Leicestershire (where staff who support scrutiny have other roles as well, e.g. policy officers), compared with **75%** who have a specialist team. The remaining **8%** use staff who are committee officers supporting members' roles across the executive, regulatory and scrutiny functions. Also the CfPS has identified a trend here. From the CfPS survey in 2007, **73%** of authorities overall had a dedicated scrutiny officer/team, whereas **27%** did not, representing a respective change from 2006 of +8 and –8 percentage points.

One way of addressing this issue without increasing resources overall may be to review the structure, job descriptions and competencies expected of the staff whose job includes supporting scrutiny, to examine whether there is a different way of allocating staffing resource within the same envelope. The key is to ensure that, whatever the structure, the support for scrutiny is fit for purpose in terms of staff roles and skills. We have not examined this in our review as it was not part of our brief, so cannot offer a view on the position in Leicestershire, but if the council wishes to examine support for scrutiny, this would be one way of so doing without increasing resources overall.

Next steps

We believe that we have completed sufficient data gathering and analysis and that our review is therefore complete. We offer our recommendations to the council. In particular, we wish to stress the desirability of proceeding with Recommendation 1, and to underline our main conclusion that the members involved in O&S need to take our responsibility for its improvement, e.g. through our Recommendations 3 - 9 .

Summary of Recommendations

RECOMMENDATION 1: We recommend that the council renews its action to coordinate scrutiny activity with the Borough, Districts and City Councils.

RECOMMENDATION 2: We recommend that the council adopt one of the above two options (or another mechanism that it feels appropriate to Leicestershire County Council) to involve scrutiny even earlier in a constructive approach to formulating and challenging the Medium Term Financial Plan

RECOMMENDATION 3: We recommend that the Group Leads on the Scrutiny Commission enact scrutiny committees meeting after the AGM to develop their work programmes and that the Scrutiny Commission should have a role in co-ordinating these to avoid duplication and manage resources, and that further options should be examined for further involving scrutiny in policy development.

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RECOMMENDATION 11. We recommend that the relevant Chairs be informed periodically about follow-up to committees' and panels' recommendations

Attached as Appendices:

- The notes of the external visits (Appendices 1A, 1B, 1C)
- A summary of the analysis, using the CfPS framework, of the Visitor to Libraries and Street Lighting Reports (Appendices 2A and 2B)
- The CfPS brochure on forensic questioning skills (Appendix 3)

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