

**Review of the Overview and Scrutiny Function
Warwickshire County Council**

FINAL REPORT

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The Brief

WCC (consistent with revised statutory guidance May 2019) believe effective overview and scrutiny should:

- Provide constructive ‘critical friend’ challenge;
 - Amplify the voices and concerns of the public;
 - Be led by independent people who take responsibility for their role; and
 - Drive improvement in public services.
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- Scrutiny will not be effective unless an organisation’s culture, behaviours and attitudes support it
 - Resourcing of scrutiny is critical to its long-term success and to embedding the culture within any authority
 - Effective scrutiny requires good planning. The recommendations of scrutiny should make a tangible difference to the work of the authority and, in order to do so, require a long-term agenda and forward plan that is flexible enough to accommodate any matters of urgency that may crop up.
 - Warwickshire’s model of specialist OSCs supported by Democratic Services Officers and with expert input from specialist officers is a valid model, provided it is adequately resourced but there are other models and approaches which may provide a greater level of benefit in the new landscape we are operating in

Corporate Board agreed that now is an appropriate time to review the approach to scrutiny. The Leader of the Council is fully supportive of this review.

A final report will present recommendations to Corporate Board and subsequently members on:

- (a) appropriate principles for scrutiny (considering the challenges above and in light of the statutory guidance),
- (b) feedback on key opportunities to improve upon our current ways of operating scrutiny, and
- (c) a recommendation as to how WCC might move forward to develop its scrutiny approach to deliver on the Council Plan and objectives.

Methodology

In order to gain a broad insight into the current arrangements, challenges and opportunities of the overview and scrutiny function, telephone interviews were conducted with 27 participants during June, July and August. These included:

The Leader and Deputy Leader of the Council
Cabinet Portfolio Holders
Chair of Scrutiny Committees
Representatives from each of the political parties
The Chief Executive
Strategic Directors
Democratic Services Officers

The interviews were confidential and no interviewee will be quoted. The interviewer took written notes of the discussions for the sole purpose of this report which will be destroyed when the report is received and signed off.

Interviews were based on questions organised around the following themes:

1. How do we embed scrutiny in the DNA of the organisation and drive the necessary culture and behaviours required to ensure scrutiny adds value to delivery of our organisational priority outcomes?
2. How do we give voice to and drive a change in the approach/attitude to scrutiny by members and officers; i.e. Reinforce the value and importance of challenge, remove the perception that it is “fault finding”, and drive an effective and collaborative approach to scrutiny which is impactful?
3. How do we manage disagreements in approach - i.e. executive-scrutiny protocols etc.?
4. How do we embed ownership with members and officers of recommendations from scrutiny, and ensure that the actions that arise are followed through and monitored?
5. How do we ensure scrutiny members are supported in having an independent and open mind-set and have the right skills set to fulfil their role?
6. How do we align scrutiny more effectively to our Council Plan objectives – including commitments to climate change and commercial approach to problem solving?

7. How do involve the public in scrutiny more effectively?

Desk-based background review of relevant corporate documents including minutes of scrutiny meetings was also undertaken.

Throughout this report the overview and scrutiny function will be referred to as the scrutiny function or scrutiny.

Overview

Warwickshire County Council currently operates with four Overview and Scrutiny Committees: Resources and Fire & Rescue; Communities; Children & Young People; Adult Social Care and Health with an additional joint Health Committee. The Council has a Conservative majority group of 33 elected members with small opposition groups formed by 7 Labour, 8 Liberal Democrat and 2 Green Party representatives. In addition, there are 4 Independents. There are 3 vacant seats at the current time. The Council has in the past often had no political party in overall control. The ways of working from this tradition seem to have coloured a consensus approach and some deference to officers which persists. Reflecting the current political environment, members of the majority group have been nominated for the Chairs of all Scrutiny committees. The Leader of the Council and her Deputy both value the importance of an effective scrutiny function and want to encourage a more impactful role.

Across all interviewees there was clear support for developing an effective scrutiny function. In most cases, from a range of perspectives, interviewees were positive about the work carried out and felt that the Cabinet were open to different views, ideas and challenge. But there is inconsistency between committees and the contribution of committee members, sometimes coloured by party politics, and often a general lack of constructive challenge. Reasons for this are not entirely clear, but it is certainly felt that scrutiny members need to be fully supported, with clearly presented information; that they need to keep their knowledge base up to date; and fully understand the role they can play and the influence that can be brought to bear on corporate policy development and decision. Frustration expressed around some of these issues demonstrates the need for change, and the willingness to change. The potential of the scrutiny function is not currently being developed or harnessed to support the strategic ambition of the Council.

There is, however, much good practice. Some Chairs are particularly mentioned for their skilled chairing and effective approach to reviews which have been greatly valued. For example, the cross-party work of the Climate Change Working Group; external scrutiny of GP provision; and the scrutiny review of Home/School Transport.

The Council clearly fosters good relationships. There is good cross-party working and a good working relationship between executive and scrutiny. Although scrutiny appears to make few recommendations back to the executive, when they do these are fairly considered. It is notable that although not formally scrutiny groups, the cross-party Cabinet Working Groups for post-Covid strategy development have been universally welcomed, not least for the clear focus and deadlines. The regular agenda setting meetings between scrutiny committee Chairs and their portfolio holder counterparts (spokes and chairs meetings) supported by officers are clearly very effective. It must be said, however, that although Council officers

are supportive of scrutiny, scrutiny committee members expressed a sense that they felt the needs of executive members were usually prioritised.

All concerned were positive about the support from Democratic Services Officers and valued the role they played. But it was acknowledged that resources had been pared back over recent years and the department was mainly focused on administration. The lack of resources was most acute in limiting the number of task and finish scrutiny groups. These groups were regarded as the most effective way of working but required proper resourcing which was now lacking. Resourcing may also have a knock-on effect on public engagement arrangements and there could be opportunities to build on the corporate 'Let's Talk' public consultation exercise. In any event, there is potential for more imaginative thinking on public involvement in scrutiny, which is often best tapped into in a task and finish group environment. Whilst there are some very good examples of external scrutiny which involve external partners and user groups, there is more that could be done. It was acknowledged that the geography of the County could mitigate against participation and that the use of technology for more remote engagement could be an opportunity

In the main, however, the scrutiny function seems to be 'stuck in a rut' and needs to be reinvigorated. Routine scrutiny committee meetings are in danger of losing their way based on a formulaic cycle with the addition of members' topics of interest. Indeed the balance currently being struck is between review of individual scrutiny members' special interests which motivate engagement, and effective scrutiny of corporate business (especially performance) and good overview of policy development which is not yet seen as meaningful by some members. There is also frustration on the part of many members at the length of some agendas, and the way business is conducted which can stifle robust discussion. Scrutiny business needs to be much more purposeful and prioritised in relation to the Council corporate cycle and forward plan. Across the piece scrutiny members need to be better engaged in this regard and scrutiny Chairs need to be both supported and more open to achieving this. The routinised approach to committee meetings with a set timetable is frustrating for many, including the executive, and means that scrutiny is not timely and too slow. Indeed, many interviewees were critical of the lack of flexibility and pro-activity. This devalues the role of scrutiny. The Council's ambitious plans for transformational change only highlights the lack of dynamism.

Appropriate principles for scrutiny

The following principles should be adopted to reset and drive a refreshed approach to the overview and scrutiny function. They reflect the principles of good scrutiny embedded in statutory guidance: independent ownership; driving improvement; critical friend challenge and public voice.

- 1. Partnership: The scrutiny function is an integral, authoritative corporate partner with the executive in policy development and decision-making.** This partnership is focused and aligned with the council's strategic objectives, corporate performance indicators, and the corporate business and planning cycle. Whilst the function is independent of Cabinet and owned by scrutiny members it will be flexible, dynamic and pro-active in support of the executive decision-making process.
- 2. Purposeful: The scrutiny function is focused on making an impact and exerting influence on corporate policy and practice to develop learning and improvement.** Its main aim is to ensure WCC can be the best it can be by building corporate experience and expertise based on a sense of place, especially in a fast-paced transformational change environment.
- 3. Challenging: The scrutiny function will provide constructive cross-party challenge to hold the executive to account based on evidence and reflecting the views of local people.** This includes both internal and external scrutiny. As 'critical friends', scrutiny members should respectfully ask the tough questions of the executive and professional officers of the Council, as well as external partners and provider, from an informed perspective and expect considered and informative answers.
- 4. Transparent: The scrutiny function should shine a light internally and externally.** It is an important vehicle for public consultation which should engage external partners, local people and service users, and represent their views. O&S should provide open and transparent scrutiny in the public interest to enhance the legitimacy of the local authority and build public trust and confidence.

Key opportunities to improve

There are a number of key areas where there are significant opportunities to improve.

Parity of esteem: Scrutiny should not be seen as a second-class function. It must have an authoritative voice. This means that all members and officers should demonstrate in their day to day practice how best to realise the potential for an effective scrutiny function to enhance executive policy development and decision-making.

Scrutinising performance: The way in which corporate performance is scrutinised is not yet satisfactory. The way in which performance data is presented to scrutiny has been carefully considered and reviewed recently, and the general view is that this is now better, but there is still room for improvement so that scrutiny members make the best use of the data. Scrutiny discussions should be clearly led so that presentations add value, there is a clear line of sight to corporate success indicators and interpretation of the data is usefully aligned to risk. Effort put into this by both officers and members will pay dividends

Build a corporate partnership: From a strong base of good working relationship and mutual member and officer respect there must be more rigorous challenge from scrutiny and acknowledgement that the scrutiny function should hold the executive to account where necessary: a 'one Council' model. The executive and senior management are open and welcome the challenge from scrutiny. It is notable that scrutiny is rarely the theatre for oppositional politics but scrutiny members must collectively own the process and not depend on officers. This means more rigour but best behaviour. It is also importance that members get the balance right between representing the views of their constituents and recognising the wider public interest for Warwickshire. They should set the agenda but be focused on corporate business with purposeful evidence -based discussion. All scrutiny members from all parties have a role to play in this endeavour.

It is also notable that the recent opportunity to work together to develop common aims in Cabinet cross-party working groups post-Covid has been universally welcomed. To build this partnership in practice, scrutiny needs to work cross-boundaries and not be silo focused. Scrutiny chairs and members should be thinking of how they can impact constructively on policy development and decisions. This does not mean routinely 'clearing' executive decisions but prioritising and acknowledging where challenge and accountability is most needed. It also means working with senior management and portfolio-holders but also holding them to account. Scrutiny needs to understand the evidence-base for policy and decisions and the impact on local people but recognise corporate objectives and understand that the executive has to work effectively and often quickly to respond to local issues and/or government initiatives. The overview function of policy is equally important in driving

transformation, improvement and learning by shaping policy throughout the annual corporate planning cycle.

Work smarter: Scrutiny meetings vary in their practice and impact but there is much potential for improvement. The 'chairs and spokes' meetings work well but still agendas can be too long and packed with pet topics. Meetings must be more flexible, pro-active and responsive to corporate priorities. The respectful environment must not be cosy but nor should it be confrontational. Behaviour in meetings should follow 3 C's: collegiate, constructive and challenging. The development of virtual meetings using remote technology has shown that more efficient use of time can be made. Many interviewees said this should be continued not least to avoid travel time and costs.

Member support and training: Scrutiny members need adequate support from officers across the Council so they are properly informed and advised. This is especially the case for scrutiny Chairs. This review presents an opportunity to redefine 'what good looks like' for scrutiny and agree how best to achieve this. It seems that resources for training and support is lacking but virtual technology provides a cost-effective opportunity for in-house briefings and scrutiny skills development. The in-committee member training initiated in the Health and Social Care Scrutiny Committee was acknowledged as effective and helpful

Develop external focus: There are some very good examples of external scrutiny reviews including transport providers and Academy Trusts, but this requires sufficient resources. Scrutiny is the Council function designed to gather the views and experiences of service users and providers to feed into the corporate cycle. Imaginative thinking to reach local people and not just known activists is needed. A one Council approach means that scrutiny should be aligned with and can often lead public consultation exercises to inform executive strategy.

Recommendations to develop WCC approach to scrutiny

1. The Council should relaunch the scrutiny function, championed by the Leader and Cabinet, with a corporate 'common purpose' WCC scrutiny guide setting out the ambition and expectations for the function based on a partnership of mutual respect, transparency and constructive challenge. This should highlight a behaviour code based on the 3 C's: collegiate, constructive and challenging.
2. Provide recognised authoritative leadership and direction for the scrutiny function by creating a new role of Chair of Overview and Scrutiny to chair a new Overview and Scrutiny Panel comprised all scrutiny Chairs. This post could be an elected position by all council members.
3. Create greater alignment with corporate objectives by restructuring scrutiny committees in parallel to foster greater scrutiny of corporate themes and objectives and corporate performance. In the current circumstances, restructuring to follow the four change portfolio themes; Place, Economy and Climate; Community; Health and Wellbeing and Social Care; and Organisation could be an effective way forward. Any restructure would have to take into account statutory requirements.
4. Review the timetable for scrutiny committees to ensure meetings are held at the optimum time alongside the corporate business cycle and Cabinet meetings. Allow for greater meeting and agenda flexibility and greater use of Task and Finish Groups for scrutiny work, from single issue to corporate strategic themes, conducted to a strict brief and timescale with a project planning methodology. Dynamic Task and Finish Groups should be able to conduct a review in as little as one day where appropriate. But also conduct in-depth longer pieces of work.
5. Create a dedicated team of O&S officers resourced adequately to provide data (particularly performance data) and information, advice and support to O&S Chairs and members, including liaison with strategic directors and senior staff.
6. Greater use of virtual meetings technology and, where appropriate, social media to engage the public, service providers and external partners and encourage elected member active participation.
7. Making use of virtual technology, in-house training and briefings should be provided for scrutiny Chairs and members on appointment and on-going, including subject updates as required and skills development. The Adult Health and Social Care Committee model of in-committee member briefings should be rolled out further.

Committees should conduct an annual self-evaluation. A suite of scrutiny questions may be a good prompt to build confidence.

Dr Jane Martin CBE 2 October 2020

Appendix 1

List of interviewees

1. Councillor Adrian Warwick
(Chair of Resources and Fire & Rescue OSC)
2. Councillor Alan Cockburn
(Chair of Communities OSC)
3. Councillor Andy Crump
(Portfolio Holder for Fire & Rescue and Community Safety)
4. Councillor Colin Hayfield
(Portfolio Holder for Education and Learning)
5. Councillor Heather Timms
(Portfolio Holder for Environment and Heritage & Culture)
6. Councillor Izzi Seccombe
(Leader of the Council and Conservative Group and Portfolio Holder for Economic Development)
7. Councillor Jeff Clarke
(Portfolio Holder for Transport & Planning)
8. Councillor Jeff Morgan
(Portfolio Holder for Children's Services)
9. Councillor Jerry Roodhouse
(Leader of the Liberal Democrats)
10. Councillor John Holland
(Labour member)
11. Councillor Jonathan Chilvers
(Leader of the Green Party)
12. Councillor Kam Kaur
(Portfolio Holder for Customer and Transformation)
13. Councillor Keith Kondakor

(Green Party Member)

14. Councillor Les Caborn
(Portfolio Holder for Adult Social Care & Health)

 15. Councillor Peter Butlin
(Deputy Leader of the Council and Conservative Group and Portfolio Holder for Finance and Property)

 16. Councillor Wallace Redford
(Chair of Adult Social Care & Health OSC)

 17. Councillor Yousef Dahmash
(Chair of Children and Young People's OSC)
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18. Helen Barnsley – Democratic Services Officer

19. Mark Ryder – Strategic Director (Communities)

20. Monica Fogarty – Chief Executive

21. Nic Vine - Strategy and Commissioning Manager (Legal and Democratic)

22. Nigel Minns – Strategic Director (People)

23. Paul Spencer – Senior Democratic Services Officer

24. Paul Williams – Democratic Services Team Leader

25. Rob Powell– Strategic Director (Resources)

26. Sarah Duxbury - Assistant Director (Governance & Policy)