

Audit and Standards Committee

24 September 2021

Review of Overview and Scrutiny

Recommendation

That the Committee supports the proposals for scrutiny reform as set out in Appendix 2 and supports their recommendation to Council.

1. Background

- 1.1 The purpose of scrutiny is to provide a means to hold decision makers to account and to investigate and inquire into issues of interest and relevance to local people.
- 1.2 In light of the Government publishing statutory guidance on overview and scrutiny and the Centre for Public Scrutiny (now the Centre for Governance and Scrutiny (“CfGS”) updating its “Good Scrutiny Guide” in 2019, the Council invited Dr Jane Martin CBE to review how the Council currently operates scrutiny and to advise on improvements that would build on the statutory guidance and assist the Council to deliver on its objectives.
- 1.3 The review was commissioned in February 2020 and during subsequent months was conducted via a series of remote interviews with members and officers, and included a desk top analysis of past agendas, minutes and Task and Finish Group outputs. The review covered the following themes:
 - Culture and behaviours;
 - Reinforcing the value and importance of challenge;
 - Ownership of recommendations and actions;
 - Support for scrutiny members;
 - Aligning scrutiny more effectively to our Council Plan objectives; and
 - How to involve the public in scrutiny more effectively.
- 1.4 At its meeting of 9 September 2021, Cabinet agreed to recommend to Council the proposals for scrutiny reform as set out in Appendix 2.

2. Report Findings

2.1 Overall, the feedback from the review was positive and highlighted several areas of good practice, particularly around the use of member working groups during Covid. However, it also concluded that the scrutiny function would benefit from reinvigoration. A principles-based approach was recommended to drive scrutiny forward, reflecting the principles embedded in statutory guidance, being:

- independent ownership;
- driving improvement;
- critical friend challenge; and
- public voice.

2.2 The review outlined a number of opportunities to strengthen the overview and scrutiny function. These were:

- Parity of esteem: Scrutiny must have an authoritative voice and support to enhance executive policy development and decision-making.
- Scrutinising performance: 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.
- Build a corporate partnership: Scrutiny should hold the executive to account where necessary. Scrutiny members own the process recognising the wider public interest for Warwickshire. The agenda should be focused on corporate business with purposeful evidence-based discussion.
- Work smarter: Meetings should be more flexible, proactive and responsive to corporate priorities. Meetings should be collegiate, constructive and challenging.
- Member support and training: Members and officers involved in scrutiny should be supported and provided with appropriate training to maximise the benefit from their roles in the scrutiny process.
- Develop external focus: Imaginative thinking to reach local people is needed. Scrutiny should be aligned with public consultation exercises to inform executive strategy.

2.2 The report also focussed on a series of principles that would drive the refreshed approach. These were:

- 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.
- 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 Warwickshire County Council 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.
- 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 providers, from an informed perspective and expect considered and informative answers.
- 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. Overview and Scrutiny should provide open and transparent scrutiny in the public interest to enhance the legitimacy of the local authority and build public trust and confidence.

2.3 The recommendations reached in the review can be seen in the full report at Appendix 1. In summary these included:

- i. Relaunch the scrutiny function, championed by the Leader and Cabinet, with a corporate "common purpose" County Council scrutiny guide setting out the ambition and expectations for the function based on a partnership of mutual respect, transparency and constructive challenge.
- ii. Create greater alignment with corporate objectives by restructuring scrutiny committees in parallel to foster greater scrutiny of corporate themes and objectives and corporate performance.

- iii. 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 comprising all scrutiny Chairs.
- iv. 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.
- v. Consider creating a dedicated team of Overview & Scrutiny (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.
- vi. 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.
- vii. Make 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. Committees should conduct an annual self-evaluation. A suite of scrutiny questions may be a good prompt to build confidence.

3. Supporting Information

- 3.1 The recommendations from the Report were considered by the four Overview and Scrutiny Committees during the period March 2021 – July 2021.
- 3.2 The feedback from members was considered in light of Dr Martin's report and additional guidance from Centre for Governance and Scrutiny (CfGS) and has resulted in the proposals recommended within this report.
- 3.3 The key recommendation was that the Council develop a principles-based approach to reset and drive scrutiny, reflecting the principles of good scrutiny embedded in statutory guidance:
 - 1. independent ownership;
 - 2. driving improvement;
 - 3. critical friend challenge and
 - 4. public voice

- 3.4 Members favoured most but not all of the recommendations made. On balance members did not universally favour the idea of an OSC ‘Chair of Chairs’ to provide a coordinating role across the overview and scrutiny committees. Nor was there a consensus in favour of a bespoke team of scrutiny officers, and differing views were expressed in respect of greater use of virtual meetings and also the proposal to increase the number/ frequency of OSC meetings per year.
- 3.5 Officers identified some practical challenges with implementation of some of the recommendations, notably;
- i. realignment of OSCs to Council Plan outcomes – whilst this would focus attention on delivery of objectives it risks being at the expense of other matters that the Council has a statutory duty to consider
 - ii. proposal for more virtual formal meetings of scrutiny - whilst attractive this would require legislative change as following the repeal of the changes permitted during the pandemic, all formal committee meetings must be held in person
 - iii. dedicated team of OSC officers – as it was considered this would have a negative impact on deployment of resources and recruitment and retention.
- 3.6 In order to ensure continued delivery, the proposals also recommend a cap on the number of active Task & Finish Groups at any one time. This will assist in managing resource and the quality/ level of officer support available.
- 3.7 The proposals cover three areas to meet the themes of the recommendations in the Independent Report. These are Cultural, Planning and Agility. A “Miscellaneous” heading is also included to cover issues arising from the recommendations.
- 3.8 The tables in Appendix 2 summarise the proposals and the timetables for implementation of each recommendation.
- 3.9 At its meeting of 9 September 2021, Cabinet agreed to recommend to Council the proposals for scrutiny reform as set out in Appendix 2.

4. Financial Implications

- 4.1 There are no direct financial implications of this report.
- 4.2 The proposals are intended to be implemented within the current budgetary envelope of Legal and Democratic Services. There is a recommendation that resource levels within Democratic Services are reviewed after 6 – 9 months of implementation to ensure that the recommended outcomes of the scrutiny review are being delivered.

5. Environmental Implications

5.1 There are no direct environmental implications of the proposal.

6. Timescales associated with the decision and next steps

6.1 The timescales for each proposal are included within the tables at Appendix 2 below.

6.2 The Proposals will be considered by Council on 28 September 2021.

Appendices

Appendix 1 - Report of Dr Jane Martin OBE

Appendix 2 - Scrutiny Review Proposals

Background Papers

None

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The report was circulated to the following members prior to publication:

Local Member(s): Not applicable

Other members: Appendices and recommendations previously published with Cabinet Paper