

(CSO/19/15)

MHCLG: Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities May 2019

After many months delay the anticipated Scrutiny guidance was published on the 7th May. Devon gave evidence into the original Select Committee consideration as well as the drafting of the statutory guidance. The Scrutiny Symposium was held in time for the findings to be sent to MHCLG in their compilation of evidence and final conclusions. Whilst Scrutiny at Devon is well regarded, the publication of this guidance offers the opportunity to review of current practice over and above our regular reflections and to make improvements where possible.

This report summarises the main findings and suggestions for effective Scrutiny and evaluates them against Devon County Council's approach. The key points are as follows:

- The most important thing is culture – creating the conditions for meaningful Scrutiny to operate. This extends to the Council's Chief Executive and political leadership.
- Role and prioritisation – Scrutiny's role has to be clear and focused, and the Scrutiny work programme needs to be carefully prioritised
- Selecting Committee Members and Chairs should be done with a view to their skill set as well as their politics.
- Access to Information – all members have the right to access information to support good Scrutiny, including commercial detail.
- Gathering evidence and making recommendations – the role of the chair in managing the gathering of evidence is seen as especially important – as it the work of members in pulling together SMART and useful recommendations.
- Resourcing – the resource must be available to ensure that the above things can happen properly, and dedicated Scrutiny teams should have a high profile in the authority along with the statutory Scrutiny officer role.

Themes	What does the guidance say?	What do we currently do?	How could we improve?
Establish a strong organisational Culture	Recognising Scrutiny's legal and democratic legitimacy	We have a mature relationship and a positive culture between the Cabinet and Scrutiny. Scrutiny does ask Cabinet to make difficult decisions and at times to put more resources in particular areas. In recent years Cabinet has responded by supporting Scrutiny recommendations where there is a clearly demonstrated evidence base to do so. The leader also attends the Chairs and Vice Chairs group bi-annually to talk to scrutiny.	Continuing to articulate the role and impact of Scrutiny. The annual report is structured in a way to focus on the positive contribution of Scrutiny to the wider democratic mandate of the County Council
	Identifying a clear role and focus		
	Ensuring early and regular engagement between the executive and Scrutiny		
	Managing disagreement – this could be done through an executive/Scrutiny protocol		Further work could be undertaken to ascertain if members see this as an issue – but there is little evidence to suggest that this is an area for concern.
	Providing the necessary support	We have a Head of Scrutiny and two statutory officers, and significant with additional support from the wider Democratic Services team.	The possibility of offering secondments to other parts of the organisation could be explored
	Ensuring Impartial Advice from Officers	Senior Officers meet regularly with Chairs and Vice Chairs to support the work program and impact of Scrutiny – there is clear support for Scrutiny.	
	Communicating Scrutiny's role and purpose to the wider authority	All minutes of Scrutiny Committees go to full council, as well as the Annual Report	Further consideration could be given to greater publicity of Scrutiny task groups with Full Council. Task Groups headline information will be displayed at the Annual Council Meeting. Head of Scrutiny to go to Leadership Group with the annual report.
	Maintaining the interest of full council in the work of the Scrutiny Committee	All Councillors are invited to Scrutiny Masterclass Sessions Annual Scrutiny Report goes to Full Council Local Members regularly register to speak at Scrutiny Committees.	
	Communicating Scrutiny's role to the public	Sporadic press releases on an exception basis	Press Release with the conclusion of every task group and the Annual Report Head of Comms to be invited to future Chairs group to look at opportunities.

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	Ensuring Scrutiny members are supported in having an independent mindset	The Member development steering group co-ordinates training and DCC is a member of the shared training service with South West Councils. The scrutiny team is a professionally dedicated team made up of politically neutral officers. We also have two Independent Advisors to support scrutiny in Health and Adult Care and Children's Scrutiny.	Continuing to offer support and training as required.
Resourcing is pivotal in ensuring success	Creating an effective Scrutiny mechanism requires resource.	We have a 'Head of Scrutiny' as the designated officer within Legal and Comms. DCC works to the Specialist model of dedicated officer support to ensure independence.	Visibility of the statutory nature of the Head of Scrutiny and the team.
	Upper tier authorities are required to designate a Statutory Scrutiny Officer		
Selecting the right Committee Members	Selecting a Scrutiny chair is crucial and needs to be done based on skill set - should considered secret ballot of the Committee to choose.	The Three Scrutiny Committees Chairships are shared between the three parties – Conservative, Lib Dem and Labour. The positions are allocated to parties and the leader and whip of each party determines who takes which position offered.	In an authority with a large majority a secret ballot could return the result of each Scrutiny Committee being from the ruling party. Our current system gives greater pre-eminence to smaller parties – suggest no change.
	All members should have a Scrutiny induction and should receive training on their legal powers and how to prepare for and ask questions at Scrutiny sessions.	We carry out Scrutiny induction for all members after elections The member development steering group co-ordinates members training needs and we offer in-house training and development when required.	We are planning to run a session on asking questions at Scrutiny – as requested by the chairs and vice chairs group.

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	the right Councillors must be selected to be on Committees, and to hold the position of chair. The guidance gives a sense of the personal attributes that people in these positions will require.	Only a minority of Scrutiny members have not taken part in a task group or service visit in the current municipal year. Through our robust and effective Scrutiny practice we engage and support members to develop their skill set. We believe it is good practice to share the chairing of task groups. In practice only a small number are carried out by the chair of Committee.	Continue to encourage our Councilors to take up learning opportunities and to have the right attitude to Scrutiny.
	Scrutiny can consider receiving expert independent advice	We currently contract two specialist advisors to support both children's and health and adult care Scrutiny Committees.	
Default position of sharing information	Committee members should have access to information – commercial confidentiality is not a reason to withhold info.	Members receive detailed reports, briefings and information in a timely manner. Cabinet part 2 is automatically sent to chairs of scrutiny.	The focus of Scrutiny in being clear about exactly the information they want.
Planning Work	The Work programme should be set on an annual basis with enough flex to include topics as they arise.	The work programme is visited each meeting. At times the full nature of the work programme/committee agenda presents difficulty in accommodating as topics as they arise.	We could move to an annual work programme process with an evaluation of which are the most important topics, with flex built in.
	Input to the work programme should be considered from the public, partners and the Executive.	Members reflect resident's concerns and Scrutiny receives suggestions from Cabinet as well as from heads of service.	Further consideration of how Members of the public can suggest issues for Scrutiny to look at?
	Topics should be prioritised so that Scrutiny is effective – fewer, in depth topics are looked at in Committee Must always be able to justify why a particular topic has been considered.	This is an enduring challenge. Whilst Scrutiny cannot look at everything there are many important areas of work that benefit from Scrutiny active involvement.	Look at tools to evaluate work programme topics and continue challenging ourselves to keep shorter agendas.

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	Reports on Performance, risk, complaints, members surgeries, options appraisals and ombudsman reports will be best dealt with outside Committee, but should all be used to inform the work programme	Committee members regularly receive reports on: <ul style="list-style-type: none"> - Risk updates, - performance reports - ombudsman report - and other information as requested At other times SOG meetings have been used to analyse in-depth performance	We do not currently record member's surgery feedback – and this could be considered for pan Devon issues. Much of this information is looked at in public to enable transparency in Scrutiny. Closed sessions would be undesirable for some of this information. Continue to avoid items 'to note' Potential to introduce SOG meetings for Children's and CIRS Scrutiny committees for performance and risk?
	Work can be carried out by <ul style="list-style-type: none"> - An item on a Committee agenda - As a single item agenda on a Committee meeting or other - A short task group - A longer task group A standing panel – rarely used	We currently employ all of these approaches as well as working even more on member development through masterclasses.	Consider single item agendas
Evidence Sessions	Good planning for evidence sessions – including identifying objectives and questions	The Scrutiny officer currently prepares a scope document for each task group/spotlight review. This will include detail on what the review will look at as well as who to speak to and questions to ask. It will also specify a timeframe within which the work will be completed.	We constantly challenge ourselves to apply reflective practice, identifying areas for improvement against an understanding of the positive impact of scrutiny reviews.
	Recommendations should be member led with officer input where necessary – particularly the monitoring officer	The independent scrutiny team work to support Member-led investigations into issues and policy. It is unusual for the Monitoring Officer to give task group input.	

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	Recommendations should be SMART	Our in-house guidance is for SMART, easily trackable and measurable recommendations with guidance of ten per investigation.	
	Six to 8 recommendations are often a good number to enable		
	The Executive should not block recommendations but should see them in advance to 'sense check' them	As in the constitution the Cabinet have two weeks before recommendations are published to comment and make their views known to the task group	