

Accountability and scrutiny

The issues for local government in a changing political environment



Accountability and scrutiny

The issues for local government in a
changing political environment



APSE (Association for Public Service Excellence) is a not-for-profit local government body working with over 300 councils throughout the UK. Promoting excellence in public services, APSE is the foremost specialist in local authority front line services, hosting a network for front line service providers in areas such as waste and refuse collection, parks and environmental services, leisure, school meals, cleaning, housing and building maintenance.



INVESTOR IN PEOPLE



The Centre for Public Scrutiny

The Centre for Public Scrutiny's (CfPS) purpose is to improve lives and places through effective governance and public scrutiny. As a national, independent charity with a long history of providing governance and scrutiny support to local government, alongside other public services and sectors CfPS exists to promote and support organisations to be more open to scrutiny and involve others in decision-making.

This report was written and researched by Jacqui McKinlay, Chief Executive, Elena Konopelko, Research and Policy Coordinator, and Ed Hammond, Director, all of the Centre for Public Scrutiny, and with input from Paul O'Brien, Chief Executive, APSE.

Published by APSE, August 2017

ISBN: 978-1-907388-45-3

Contents

Executive summary	5
Introduction and methodology	7
Recommendations for scrutiny’s improvement	17
Conclusion	23



Executive summary

The country is facing many challenges as it works through the Brexit divorce process, tackles the issue of a growing, ageing population, and attempts to improve productivity and economic growth. Against this backdrop, the shape of public services and institutions are evolving and transforming both in response to reduced funding and a desire to work better to improve lives and places.

Within this context, the role of good governance and scrutiny is critical to public trust and confidence in decision-making. In times of uncertainty and significant change, it is important that decisions are made in a way that is transparent, involves others and holds to account those responsible for implementation. We have seen the consequences when, often under pressure, leaders close ranks and seek to limit involvement.

This research reflects that scrutiny in local government is seen as vital but currently perceived as weak. The reasons for this are long-standing but not insurmountable, most relate to a failure to buy into scrutiny, it not having a clear role, or the function's failure to prove impact.

The research describes how scrutiny is engaging with policy development work on average only about 10% of time, versus the 90% spent on performance management. Currently, scrutiny is rarely able to participate in the discussions on local government's future or influence a substantial amount of policies. The research showed however that there is a desire to improve and build on what works, as well as transform to meet new demands.

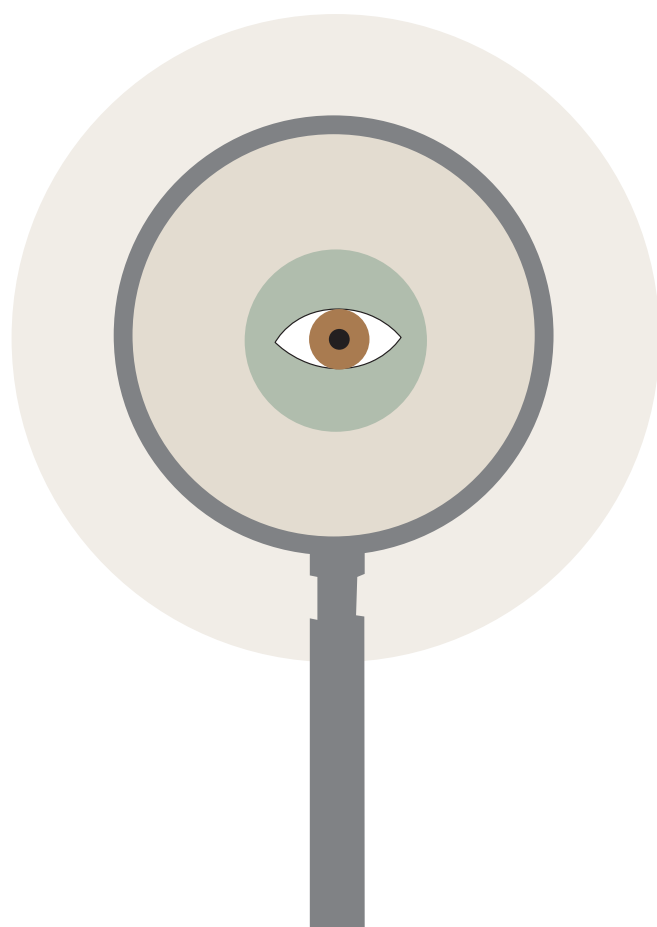
Our belief is that the function of overview and scrutiny in local government is a vital cornerstone of democracy and a necessary part of good governance. Across the UK local government family, overview and scrutiny is carried out in different ways but brings with it an opportunity for wider member and public involvement, often acting as a bridge between local communities and councils.

There could not be a more important time for everyone involved in the democratic decision-making process to play their part, act as a conduit for local involvement and concerns, maximise their talents and use their wealth of local knowledge and experience to solve the most difficult of problems.

Our ask is that leaders, both elected and officers, take scrutiny seriously and make the investment needed for it to work. For those involved in scrutiny – grab the mantle, invest the time, ask the difficult questions and be part of the solution.

Paul O'Brien, Chief Executive, APSE

Jacqui McKinlay, Chief Executive, Centre for Public Scrutiny



Introduction and methodology

The Centre for Public Scrutiny is pleased to present the results of research, commissioned by APSE, into the effectiveness of local government scrutiny.

Through interviews, an online survey and desk research, the project aimed to: assess the impact and effectiveness of scrutiny activity in local authorities; understand the extent to which scrutiny can influence major change and transformation; and identify practical solutions for councils wishing to rethink and redesign their approach to member-led scrutiny.

Local government, and public services more generally, are going through a period of significant change responding to: ongoing austerity; policy changes relating to areas including education and housing; devolution and elected mayors becoming a reality; Brexit and a new minority government and its socio-economic and political implications.

Equally, the design and delivery of local services is becoming more complex, and the future of the local government, in its current form is becoming more uncertain.

APSE rightly considered that a UK-wide view of scrutiny in local government was timely, as a way to explore how local authority councillors could make a difference in the development, implementation and review of policy at a time of change.

The challenges facing scrutiny within local authorities are widely known, and do not require further explanation here. Suffice to say that the pressure on councils to reduce resourcing commitments, while retaining the same level of service, is something which has also affected member-led scrutiny. For councils with governance arrangements which incorporate formal scrutiny functions (principally, councils in England and Wales) the number of scrutiny committees and full-time support officers per council keeps reducing, which means that “traditional” scrutiny models with scrutiny trying to look at “everything, all the time” become increasingly untenable. For those where scrutiny is integrated into other member roles through the committee system, broader pressures on member time – and the sheer pace and scale of the changes underway in the sector – present their own challenges to members’ ability to engage productively.

To summarise, while the current socio-economic and political landscape offers scrutiny councillors plenty of opportunities to influence or lead on the transformation, scrutiny equally faces the threat of not being able to fully exercise these opportunities.

To meet the objectives of the research, we:

- performed a literature analysis on the impact of scrutiny
- ran an online targeted survey, involving a representative sample of around 200 scrutiny support officers, chairs of scrutiny committees, and scrutiny councillors in total
- followed this up with telephone interviews with a smaller number of officers and councillors to expand on some of the themes introduced in the survey.

We looked at scrutiny across all of the United Kingdom, i.e. in England, Wales, Scotland, and Northern Ireland. While the jurisdictions of these areas are different, we found that all councils perform some kind of scrutiny. Some of these areas have designated Overview and Scrutiny committees, some have policy development committees, some create scrutiny panels, and some delegate scrutiny function to a range of actors within committees and other forms of governance. But regardless of the name, members of the council look at councils’ performance, assist with policy development, and ensure accountability and transparency of the council’s work. As such we refer to “scrutiny” or the “scrutiny function” irrespective of the name of the type of scrutiny activity; we also refer to councillors “undertaking scrutiny” or “doing scrutiny work” as useful shorthand for the various member-led

approaches to assisting in the development of policy, and the monitoring of performance, undertaken in councils regardless of governance arrangements.

Estimating scrutiny's impact: Research background 2000 - present

In England and Wales, scrutiny has been around since 2000, following the effective abolition of the committee system. In Scotland and Northern Ireland, the pre-2000 committee system of governance continued to evolve, with member-led policy development panels and other mechanisms developing with a role similar to that transacted by scrutiny bodies elsewhere.

Many agree that this kind of member-level intervention adds value, but the precise nature of this value is notoriously difficult to estimate.

The first problem is the difference among scrutiny arrangements across the UK. In Scotland, only 3 known councils have more than one scrutiny committee and about 50% of councils have a joint scrutiny and audit committee that focuses primarily on financial scrutiny and on key performance indicators. Northern Ireland (NI), following a reorganisation of local government, still operates under the committee system, although the widened geographic scope, and broadened responsibilities, of NI councils means that member oversight and scrutiny has needed to be reviewed and readdressed. In England and Wales, scrutiny tends to be separated from Executive and is usually done by various Overview and Scrutiny Committees (OSC), with the average number of those committees being between 3 and 8 depending on the size of the council. For councils in England operating within the committee system, scrutiny is part of each committees' role.

The second problem is that it is difficult to come up with a matrix that would identify and quantify scrutiny's direct and indirect impact. There is a lot of anecdotal evidence and best and worst practices and case studies, but because scrutiny is not the only mechanism of governance accountability it is often difficult to distil the impact of scrutiny from the influence of myriads of other factors. A policy or legislative change, for example, might indeed come from a scrutiny recommendation, but it can also come from subsequent petitions, media involvement, protests, lobbying groups, and numerous other factors¹.

Finally, the precise mechanisms through which scrutiny may have an impact are still subject to debate. There is no easy way of demonstrating the causative effect of governance systems (in particular, member-led accountability) on the delivery of services. Recently, the matter was subject to detailed study by the Constitution Unit, as part of their in-depth research into the impact made by Parliamentary Select Committees². The Constitution Unit developed a typology that suggested seven mechanisms for impact derived from the work of Select Committees. These are:

1. Contributing to a wider debate
2. Drawing evidence
3. Spotlighting issues
4. Brokering between actors in government
5. Improving the quality of government decision-making through accountability
6. Exposing failures
7. Generating fear (expectation of being scrutinised acts as an insurer of good-quality decisions).

¹ White, H., 2009. Parliamentary Scrutiny of Government. *Institute for Government*

² Russel, M., Benton, M., 2011. Selective Influence: The Policy Impact of House of Commons Select Committees, *The UCL Constitution Unit*

Another approach³ focuses on splitting scrutiny's impact into two dimensions:

- policy impacts that include gathering information and holding members to account
- outcomes related to democratic process that include public engagement, use of expertise and stimulating public awareness.

Given the range of scrutiny outcomes, measuring scrutiny's impact proves to be challenging as scrutiny has both qualitative and quantitative results. Focusing solely on measuring processes – for example, the percentage of recommendations approved and implemented, or the number of meetings per year, or agenda items per meeting – gives a rather limiting view of what scrutiny is supposed to be about. On the other hand, assuming that the act of scrutiny itself is evidence of impact, because local democracy is intrinsically a “good thing”, is attractive from a theoretical point of view but does not help us to explore how and where that impact might come from – and how that impact might be enhanced.

Several known studies have tried to look at the holistic impact of scrutiny across both policy and outcomes measurements. One of the first studies on local government scrutiny in England and Wales was conducted by Ashworth⁴ in 2005, in the first few years since scrutiny was officially introduced to local councils in these jurisdictions. That self-reporting study among officers and councillors concluded that:

- Scrutiny in local government was pronounced highly effective by 9%, good by 32%, and adequate by 24% of respondents, with the rest thinking that scrutiny's effectiveness is poor or very poor
- Roughly around 20% of councillors were unaware or unclear about their scrutiny powers
- Politics was having a high and significant impact on scrutiny work in at least 15% of the councils and was negatively affecting scrutiny
- Scrutiny was sufficiently under-resourced.

Independent research carried out by Stoker et al between 2004 and 2007 concluded that scrutiny's “added value” is lower than many might assume or expect, with on average around 50% of scrutiny's recommendations taken on board by the Executive⁵. The same research concluded that “... scrutiny is still struggling.” Stoker et al. also found that on average less than half of respondents agreed that scrutiny was an effective tool. Scrutiny's lowest scores were received in relation to being creative and innovative in service delivery; scrutiny's ability to do policy development work was effective in only a third of cases.

3 Sandford, M., 2005. Effective Scrutiny: tools and intended outcomes. *The UCL Constitution Unit*

4 Ashworth, R., 2003. Evaluating the effectiveness of local scrutiny committees. *Economic and Social Research Council*

5 Stoker conducted his work over 3 research projects: a census survey of 386 authorities and a visit to 40 LA in 2003, a census of further 40 authorities and a visit to 20 more authorities in 2004, and a follow-up online survey in 2005. Stoker's data comes from councillors and officers self-reporting on scrutiny perceptions and issues. Stoker, G, Gains, F, John P, Rao, N and Harding, A. 2004. Operating the New Council Constitutions: A Process Report

Table 1: Scrutiny's effectiveness in local government in 2007

Agree that overview and scrutiny committees have been effective in:	% of those agreed
Reviewing service outcomes	51%
Involving external stakeholders in their deliberations	47%
Ensuring local views are taken into account	39%
Holding decision-makers to account	37%
Influencing council policy	37%
Investigating non-local authority service providers	36%
Providing clear lines of accountability	31%
Providing a forum for community debate	28%
Exploring innovative forms of service delivery	27%
Reconciling differences of opinion in the community	14%

Data source: Stoker et. al (2007), table 29⁶

While this research was carried out over a decade ago, we are sharing these research findings, because there is insufficient evidence to show that much has changed. The later research, this CfPS/APSE analysis, previous CfPS surveys and interviews with representative sets of councillors and officers do not demonstrate a significant shift in scrutiny's perceptions, although since 2007 there has been a significant enhancement in the extent to which scrutiny's recommendations are accepted and implemented by the executive.

Subsequent research into scrutiny in other devolved areas showed similar patterns. In 2012/13, Welsh government looked into the scrutiny function in Wales and found that overall, Wales has 92 overview and scrutiny committees, which amounts to an average of 4 scrutiny committees per council, that jointly met 872 times in a year, with some councils meeting as little as 8 times a year, and some as high as 63 times per year; and the number of executive call-ins amounted to 27 times annually⁷. The report stated that while having scrutiny is beneficial, scrutiny's precise impact and added value is unclear and remains modest.

The recent 2014 results of the study on the future of elected members in Scotland is in line with similar reports from England and Wales. Less than half of elected members in Scotland agreed that scrutiny is an effective tool of holding local government to account, and only 32.8% think that the separation of cabinet and scrutiny roles worked well and 34.8% think that this separation led to increased transparency and better decision-making⁸.

Evaluating impact: Our 2017 research

To support this research, on behalf of APSE, CfPS carried out a UK-wide survey of members and officers' perceptions of scrutiny. We have synthesised this with CfPS' own annual surveys on overview and scrutiny in local government which have been conducted since 2004, with the aim of identifying the following:

- What "good" scrutiny means for councillors;
- What is the added value of scrutiny;
- The channels through which scrutiny delivers the most impact;

⁶ Coulson, A., Whiteman, P., 2012. Holding politicians to account? Overview and scrutiny in English local government. *CIPFA*

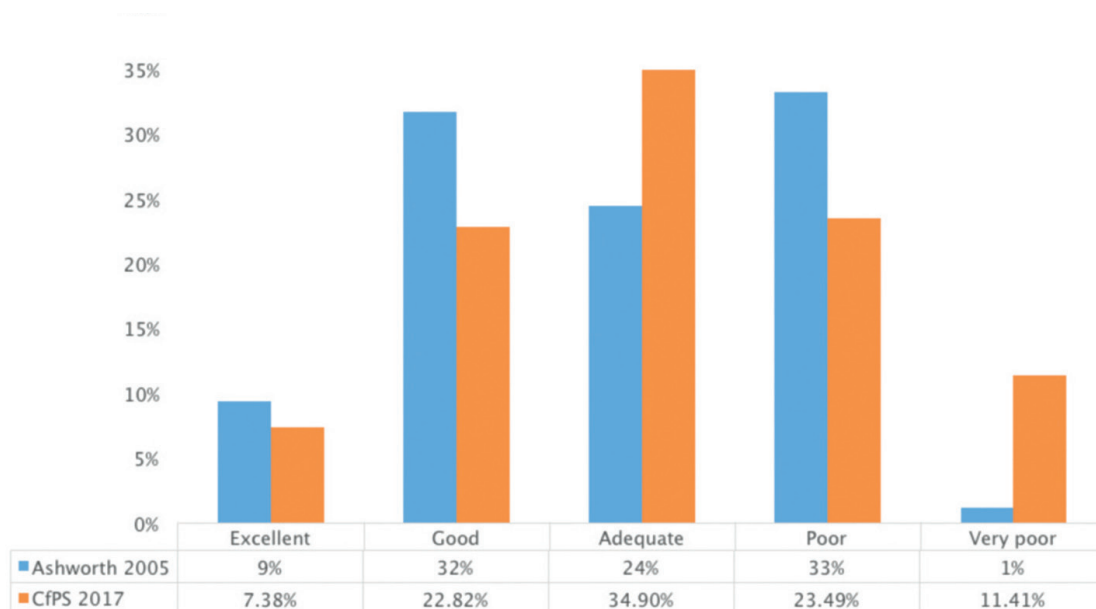
⁷ Wales Audit Office, 2014. Good Scrutiny? Good Question! Auditor General for Wales improvement study: Scrutiny in Local Government

⁸ APSE, 2014. The future of elected members in Scotland

- What the priorities should be for scrutiny's intervention on policy issues.

The results were then compared with the APSE survey for this report and results from the Ashworth study in 2005. It is notable that the number of people who are confident that scrutiny is doing an excellent job declined slightly, and the number of people who think that scrutiny's added value is minimum has sky rocketed.

The extent to which scrutiny committees are effective/add value



In the 11 years since Ashworth's research, the perceptions of scrutiny as an effective, useful tool that adds value have significantly worsened across all four devolved areas. We can speculate about the reasons for this. On one hand, this may mean that scrutiny has failed to demonstrate the value of its work, which does not necessarily mean that no such value exists. Or this might be a sign of scrutiny committees failing to adjust to rapid local government change, and scrutiny not progressing from old or traditional way of doing its work, which might seem inadequate in new circumstances.

We asked survey participants to rank various channels through which scrutiny can make a contribution and found that holding the executive to account almost unanimously scored highest on the list. The full list (derived from the Constitution Unit research referred to above) in order of importance is the following:

1. Holding the executive to account and thus improving the quality of decision-making
2. Spotlighting important local issues
3. Exposing failures in policy or service delivery
4. Contributing to the public and professional debate around local policy
5. Brokering between actors (so, mediating between competing interests, and/or reviewing differing points of view to identify mutually acceptable solutions)
6. Generating fear (provoking change through the act of scrutiny inducing professionals to react to the risk aspects of poor decision-making)

CfPS' one-on-one conversations also confirmed that scrutiny is seen as most effective at holding executives to account.

Yet the scrutiny function rarely performs an adequate amount of policy development work that

manifests itself via contributing to the debate at an early stage and brokering between actors – all parts of that wider action of holding the executive to account. In CfPS' interviews of APSE members, it appears that only 10% of scrutiny's time is devoted to such policy work, and even less time is devoted to the review and study of plans for major change and transformation. Often councillors felt that they were entering the policy development conversation at a very late stage: only several weeks, at best, before the decision is about to be made or, at times, when the decision is already approved. That leads to scrutiny effectively not being able to contribute and engage in major changes that might profoundly affect local people.

Apart from scrutiny's perceived added value, the research looked at scrutiny's recommendations: how many recommendations committee make, how ambitious those are, and how many of those recommendations are later implemented. This was intended to reflect the Constitution Unit research on select committees cited in the opening section of this paper. Their finding was that scrutiny was successful about 40% of the time:

“Contrary to the beliefs of some sceptics, around 40% of committee recommendations are accepted by government, and roughly the same proportion go on to be implemented in practice. Calls for small policy changes are more likely to be accepted and implemented, but around a third of recommendations calling for more significant policy changes also succeed.”⁹

The UCL Constitution Unit also looked at the type of recommendations that select committees make, and tracked their relative importance. Among the measurable recommendations, 37% called for no or small change, 54% called for a medium change, and only 6% called for a large change on the matter concerned. Interestingly, roughly around 87% of all the recommendations and reports concern relatively less important issues (the importance was determined through cross-referencing across Queen's speeches and manifestos).

In terms of recommended actions, the report found that most recommendations - 31% - included implicit calls for legislative change and/or change of funding, contrary to 4% of explicit calls. Around 4% of recommendations were not clear at all as to their recommended action.

The CfPS/APSE survey and interviews on the subject showed that close to 47% of recommendations made by scrutineers in local government are measurable, and only 30% of recommendations are “ambitious” (providing this opinion obviously required that respondents make a subjective judgment about what that word meant, but we suggested that an “ambitious” recommendation would require large or medium change from the executive or full council). These numbers are slightly less than those reported by the Constitution Unit. When it comes to recommendation tracking, only a handful of councils developed some sort of in-house tracking system, and only a few councils have regular updates on scrutiny's recommendations and follow-ups. This represents a significant downward trend from the last time that CfPS asked a similar question about recommendation tracking in its 2014/15 annual survey. 34.6% of councils only check on scrutiny's impact once a year when preparing the annual report. Close to half of the respondents (46.2%) said that in their councils, scrutiny does not track recommendations at all, or tracks them in an extremely inefficient way.

These findings carry with them the obvious caveat that looking at the proportion of recommendations accepted and implemented is an imprecise way of assessing impact, and that the judgments we were asking respondents to make were, in some respects, subjective in nature. But they are backed up by wider CfPS support and research, and by the one-to-one conversations carried out. They support the conclusion that scrutiny's rate of effectiveness – the extent to which its work makes an impact – can be perceived as being quite modest, and that scrutiny's ability to do any kind of policy development work is significantly hindered.

9 Russel, M., Benton, M., 2011. Selective Influence: The Policy Impact of House of Commons Select Committees, *The UCL Constitution Unit*

The findings hold true at local government level across all the devolved areas. These perceptions of scrutiny have not made any sort of positive progress since the mid-2000s. If anything, those perceptions worsened – in particular, reflecting a consistent downward trend since 2010. In the mid-2000s, negative perceptions could be seen in the context of an expanding and developing scrutiny function findings its feet – CfPS surveys demonstrated a maturing function which secured increasing levels of impact across England and Wales, particularly between 2005 and 2010 (although these improvements were not felt everywhere). The same arguments do not apply in 2017, where the broad findings are the same but the trajectory is downward. It appears that at a time when local government across all areas is going through rapid change and major transformation, scrutiny is having minimal impact.

Why is scrutiny's current impact low?

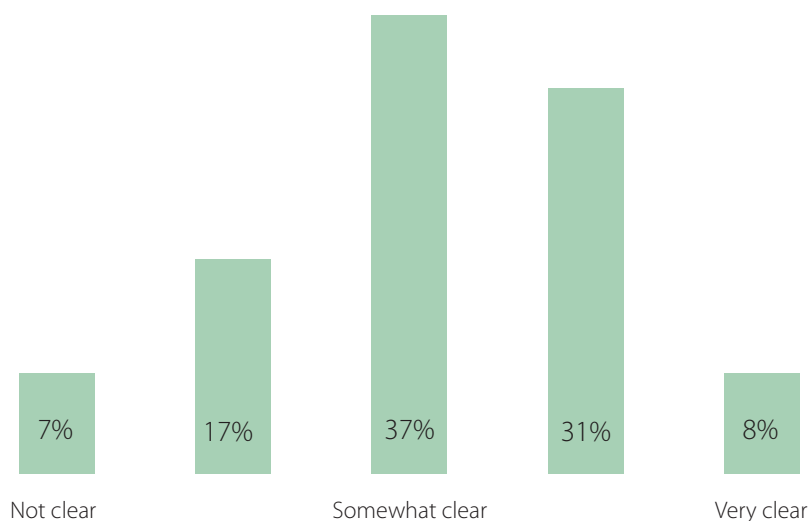
The CfPS/APSE research suggests two reasons why scrutiny's current impact is limited, and why scrutiny is rarely engaged in major decision making let alone impacts it. These are:

1. Lack of understanding of scrutiny's role and focus;
2. An internal culture in many councils which is adversarial and antagonistic towards scrutiny and its work.

Role

The research shows, that when it comes to scrutiny being understood by people who engage in it and with whom it engages, only 8% thought that scrutiny has a clear role, 31% thought of it as somewhat clear, and 24% did not feel confident that scrutiny has a clear role at all.

Scrutiny's role in local government is:



Our survey permitted respondents to enter any text describing what “good scrutiny” might look like; even bearing in mind this freedom, the range of responses received was significant – although as commented below, this is perhaps unsurprising. Answers ranged from scrutiny needing to add value and improve outcomes to being a platform to voice opinions. Aggregating these kinds of open-ended responses is always difficult, but it was estimated that the phrase “improving outcomes for residents” (or something similar) featured in only 28% of the response. Only 4.7% of responses featured any mention of scrutiny being a tool to tackle fundamental issues and changes in local government.

The responses in relation to scrutiny role can be split into three categories: scrutiny improving

outcomes and adding value to the final decision; scrutiny being an instrument of ensuring monitoring, review and accountability of local government; and scrutiny being a platform for constructive debate or alternative voice and decision legitimacy. The results are the following:

Good scrutiny means:	% of responses
Improving outcomes	28.0%
Being an instrument of ensuring monitoring, review and accountability of local government	33.3%
Being a platform for constructive debate, more decision legitimacy, or being an alternative voice	38.7%

The difference in expressing scrutiny's role reflects how local context impacts on how scrutiny is undertaken; as we noted above, the breadth of responses is less surprising in this context.

Work culture

Another significant contributor to scrutiny's perceived low impact is the culture in which it operates. More negative, less constructive cultures can be characterised by inconsistent support or even hostility towards scrutiny from Cabinet and senior officers, and a consequent lack of engagement by councillors, who may see scrutiny as impotent and pointless. We found that quite a number of councillors still believe that scrutiny's job is to be adversarial and to provide a challenge and a counter-argument to each and every Cabinet decision, which has the potential to make the relationship between scrutiny and Cabinet rather antagonistic.

We cross-tabulated responses to the question on organisational culture with responses on scrutiny added value and found a pronounced and significant correlation.

Cross-tabulation 1: Organisational culture and scrutiny's perceived impact

Organisational culture	Extent to which scrutiny is effective and makes a difference					Total
	Very poor	Poor	Adequate	Good	Excellent	
Very negative	2%	1%	1%	0%	0%	4%
Broadly negative	7%	9%	3%	1%	1%	21%
Somewhat positive	2%	8%	11%	6%	2%	30%
Broadly positive	1%	5%	17%	12%	0%	35%
Very positive	0%	0%	2%	4%	5%	11%
Total	12%	23%	34%	23%	8%	100%

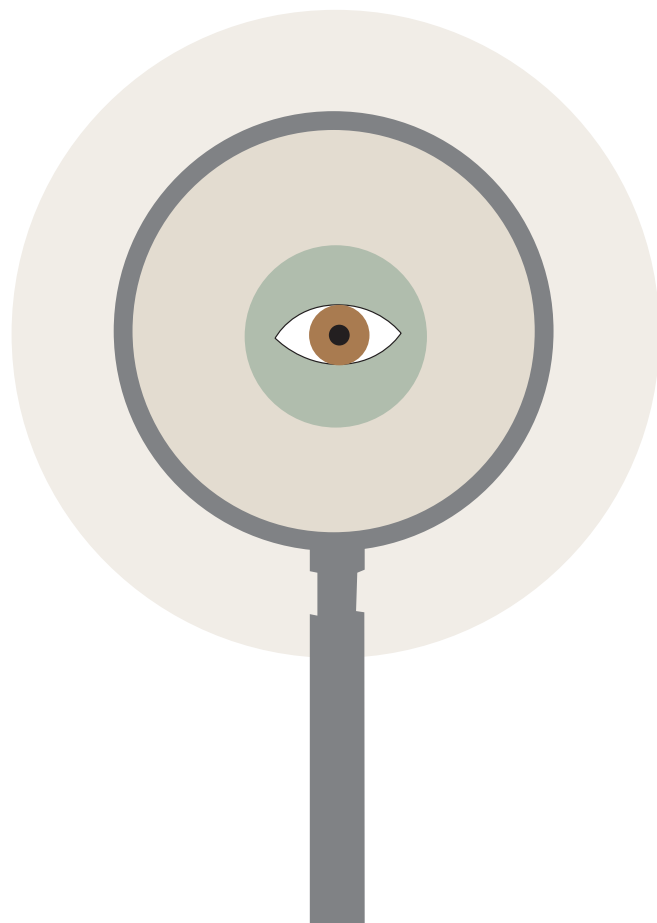
'If scrutiny doesn't move from being aggressive and trying to assign faults, to being productive and collaborative, it will never be able to influence policy development enough.'

Those authorities in which the internal working climate was characterised as broadly or very negative, tended to feel that scrutiny is making less of an impact and adds very little value compared to authorities operating in a much less adversarial climate between Cabinet, officers, and scrutiny.

Politics also seems to influence working culture in a significant way. Some authorities reported that their policy development or scrutiny committees are increasingly operating based on party lines. The CfPS/APSE 2017 research showed that 23% of respondents felt politics has a very high impact and significant influence over the overview and scrutiny, or policy development committees. This number is significantly higher than Ashworth's self-reporting survey carried in 2005, in which only 15% of scrutineers felt a significant impact of politics on the works of scrutiny committees. It reflects

the continuation of a trend identified by CfPS's annual surveys.

This section of the report has not touched on resource constraints (both in terms of funding, ability to commission work, available time, and dedicated officer support) as one of the hindrances to scrutiny's improvement. The reason for this is that in our one-on-one interviews and conversations with councillors and officers, while the lack of resources was often acknowledged, the fact that resources are not scrutiny's core problem was frequently highlighted. Virtually all our interviews point to the fact, that while resource constraints are significant, they are not the main hindrance in scrutiny's perceived inability to add value. Perceptions of scrutiny's role, work culture, lack of creativity and desire to take risks and change the function were almost always on top of the scrutiny constraints list. Those councils that have tackled those sets of issues were more likely to report a positive impact on scrutiny, notwithstanding resource constraints. The next chapter will present a set of potential recommendations to councillors who wish to make scrutiny function more agile and impactful.



Recommendations for scrutiny's improvement

'Local authorities need to be more daring: they should try new systems, new ways of working if old ones prove to be ineffective, and ensure the best outcomes for the residents.'

We have drawn our list of recommendations from the answers given to us by scrutiny practitioners during our online survey, one-on-one interviews, and our own wealth of experience on the subject. Overall, close to 200 answers on how scrutiny function can be improved and what might work best for scrutiny were received. The responses were from a range of authorities, councillors, senior officers who are often scrutinised, and officers who support the scrutiny function. Interviews were undertaken with authorities with examples of scrutiny best practice, and looked at various inquiries into changing local scrutiny that took place in several authorities. Responses were aggregated answers into 5 categories, displayed in a table below.

Table 3: Scrutiny suggested improvements

Scrutiny needs to change the following to remain (or be more) relevant in the future:	%
Role	36%
Prioritisation/focus	20%
Work culture	10%
Increase resources	13%
Tackle other issues (powers, chairing, more training)	16%
Nothing: scrutiny is good as it is right now	5%

1. People within, and outside, councils need to discuss and agree members' overall scrutiny role

People engaged in scrutiny often display quite different views of what scrutiny's role is, as we indicated earlier. Hence the whole concept of "scrutiny work" remains rather ill-defined¹⁰ and is often shaped by the individual views of councillors or officers working in a particular authority or by a local context. CfPS does not advocate for limiting the views or opinions of scrutiny members, nor do we suggest a universally applicable definition and role prescription for scrutiny. Yet it seems important for scrutiny committees to have an honest and open conversation about scrutiny's role and expectations, and about the larger impact that scrutiny may want to achieve in that specific locality.

'Major transformation is a journey that should be done with scrutiny on the driving seat.'

This research suggests that the current split of scrutiny work involves devoting 90% of time and resources to performance management and other forms of "post hoc" scrutiny, leaving only 10% for policy development work – the "overview" work that many practitioners feel has the most potential to be productive. This split fell short of the ideal for many councillors that we talked to. Such little impact and time given to policy development often turned scrutiny into what one person called a "document-audit function" rather than an instrument of change.

The online survey reflects the same themes as the interviews – 36% of respondents answered that the one thing that would make scrutiny more relevant and impactful would be redefining its role within

10 Sandford, M., 2005. Effective Scrutiny: tools and intended outcomes. The UCL Constitution Unit

the authority. Virtually no one from close to 200 respondents said that scrutiny is not doing enough monitoring and overview work. Rather, to add value, scrutiny was advised to pay more attention to:

- being pro-active;
- actively engaging in the policy development process at an early stage;
- having more task and finish groups and more in-depth reviews into select issues;
- being able to adapt faster to new delivery methods and to be more creative in the way scrutiny tackles problems.

‘Scrutiny should be looking at issues and asking not only: “Are we doing this thing right?”, but mainly “Are we doing the right thing?”

To an extent, the lack of clarity of scrutiny’s role overlaps with scrutiny’s poor impact perceptions. Respondents often said that scrutiny had difficulty presenting and proving its added value, some even described the function as being “dormant”. To some part, scrutiny owes this perception to an excessive focus on holding the executive to account at the expense of policy work, as it is very difficult to estimate and measure the impact of holding anyone to account. As such, scrutiny’s engagement with more policy-driven issues would raise its profile and challenge the negative perceptions.

2. When undertaking scrutiny – either as reactive scrutiny of delivery, or proactive scrutiny of the way that policies are developed – members’ roles need to be prioritised and focused

‘If a policy is part of a major transformation for the next ten years, then this subject should be on scrutiny’s agenda.’

The second step on scrutiny’s road to becoming bolder, strategically-driven, and pro-active, is the recognition that the work of members undertaking a scrutiny role needs to be properly prioritised and focused on those areas where it can add most value. In the one-on-one interviews and conversations, councillors and officers said that scrutiny is currently trying to do too much. It tries to scrutinise too many issues, which dilutes the focus and the role of scrutiny in the authority. Officers and councillors alike agreed that scrutiny does not have the resources to look at every possible issue within their councils. Nor can it exercise influence over all the potential sets of issues. So far, fearing that some subjects would fall through the cracks and would be missed by scrutiny, many committees fail to implement effective work programmes and consequently find it difficult to devote time to work that really matters, and which could make a difference. This prompts scrutiny function to ask itself the following questions:

- What should scrutiny in the authority focus on?
- Which criteria should it use to determine priority areas?

Each local authority or committee undertaking scrutiny work may have different opinions on what scrutiny’s focus should be (just as we noted in the section above that scrutiny’s overall role will be different from council to council). There is a desire to prescribe one universally-applicable solution, yet the research shows a certain pattern. When asked, councillors or officers reflected on their scrutiny experience and the particular policy development aspects that have been remarkable, and almost always the answers were around:

- scrutiny aligning its work towards Council’s priorities;
- scrutiny distilling the issues it realistically can have an influence on;
- scrutiny channelling the voice of the residents.

The surveys show a similar pattern: 20% said that scrutiny needs to rethink its focus and priorities and subsequently focus on:

- Getting a wider public engagement, listening to the concerns of the residents and being able to channel those into reviews and the work of the council
- Getting a better understanding of Council's priority areas and corporate plans early on and designating time to influence those decisions.

However, even if scrutiny decides to become more public-focused and council-priority driven, it is currently still limited by the number of agenda items it can realistically review per meeting, by the extent to which the resource exists for councillors to carry out more informal in-depth investigations (often through the mechanism of task and finish groups) and by the resources available to look at each issue. Hence a sort of mechanism, an internal set of criteria that would rank a relative importance of select subjects, might need to be developed. Unfortunately, we found that numerous councils don't have any criteria for work prioritisation and often rely on an entirely subjective view based on members' personal enthusiasm for a given subject. However, some other authorities we spoke to offered the following best practices:

- Looking at the number of residents who would be affected by a policy/issue: the issues that have the largest impact in terms of geographic coverage are prioritised and are put on agenda
- If the policy is relatively minor in terms of its coverage, some authorities looked at the impact it would have on the affected population (if only a select group of residents would be affected by a policy/issue, but would be affected greatly, the issue was deemed as a priority)
- Some councillors sitting in audit and scrutiny committees said that they looked at the financial risks that implementation (or lack of thereof) of a policy would bring, and if the risks are high enough or if their value is quite high, the issue is prioritised
- Some scrutineers had informal meetings with Cabinet and senior officers to determine council's priority areas for the year and ensured that those issues are then discussed in scrutiny committees in advance
- Using resident surveys to determine residents' priorities, and then using this insight to inform the work programme
- Using a prioritisation matrix tool: a tool that enables scoring a potential impact of a select subject (on a scale from low to high) versus the costs of scrutinising the issue (on a scale from low to high) and finding an optimal mix of subjects to scrutinise based on influence opportunity and resources was also at times used. CfPS has researched the way that this technique – which can be characterised as a method to evaluate scrutiny's "return on investment" – can be used.

Apart from deciding on scrutiny priority areas, scrutiny needs to find its focus. As one of the respondents said: ***"I think scrutiny needs to become more focused; do a few things well rather than trying to cover everything. It should think carefully about what all the other parts of the Council and partners are doing and find its unique role within that."***

Essentially this requires scrutineers to find, discuss, and agree on a specific angle, through which they want to approach scrutinising a subject. Some examples of this include, but are not limited to:

- Looking at issues through citizen's perspective;
- Looking at issues through a risk perspective;
- Looking at value for money;

'Scrutiny should think carefully about what all the other parts of the Council and partners are doing and find its unique role within that.' While focus areas listed above are all useful, the research shows that looking at issues through citizens' perspective was unanimously named as the area, where scrutineers can build on its expertise as elected members and deliver the highest impact and value.

While focus areas listed above are all useful, the research shows that looking at issues through the citizen's perspective was unanimously named as the area where scrutineers can build on their expertise as elected members and deliver the highest impact and value.

The research showed that some councillors fear that by adopting a certain focus, other potentially important issues may get overlooked. Yet currently, due to resource constraints and other reasons, numerous subjects are already missed by scrutiny, especially subjects relating to major change and transformation. Making trade-offs is an inevitable part of working in scrutiny¹¹, the question is whether these trade-offs are conscious or not. Consistent prioritisation means that scrutineers can make a conscious and deliberate trade-off with known consequences and known gains – being able to devote more time to influencing major decisions and having more overall impact.

3. Ensuring that scrutiny's culture is built on co-operation rather than an adversarial approach

The research shows that culture and relationships are critical to successful scrutiny. Co-operation between members in leadership positions, senior officers, and members undertaking scrutiny, as well as by members' engagement and interest to drive the function, ensures better and more significant scrutiny impact on issues that matter to local people.

'The advantages of good, positive scrutiny need to be made clear so that people understand that it is not designed to stop projects, but to enhance them and ensure that they are more likely to succeed.'

Almost all authorities that went through a scrutiny review in the last few years tried to enshrine the values of co-operation into future scrutiny work. The evidence suggests that with more positive relationships, councillors in executive (or other leadership) position often ask councillors engaging in scrutiny's opinion on major transformation issues ahead of time as they trust that scrutiny will add value.

Similarly, senior officers who are often subject to scrutiny by elected members, stated that they would be interested in engaging with members at an early stage when preparing policies concerning a large proportion of residents. Through scrutineers, officers want to gain the unique citizen perspective towards their policies. While the scrutiny function indeed may continue to work with limited resources, officers pointed out that councillors themselves present a significant resource with their on-the-ground subject knowledge, passion for the future of the council, and ability to connect with their constituencies and residents. This was regarded as incredibly important and useful.

'There should be a cultural change so that scrutiny is seen much more as a critical friend rather than a threat.'

There is no easy and straightforward way of building these more productive working relationships, but some options that worked in a number of authorities include:

- Having informal meetings between councillors in leadership positions and those exercising a scrutiny role, and between members and officers, to develop working relationships outside of committee rooms. This dialogue will probably look different

¹¹ White, H., 2015. Select Committees under scrutiny. Institute for Government

depending on the jurisdiction – in England and Wales, Cabinet/scrutiny relations may need to be managed differently to the relationship between councillors in Scotland and Northern Ireland;

- Not using scrutiny committee meetings as public ‘flogging’ sessions;
- Being open and transparent, and being indeed a “critical friend” rather than always taking an adversarial approach to council decisions;
- Limiting the extent of politics on committee discussions and decision-making process;¹²
- Demonstrating the value and importance of scrutiny to members in leadership roles, and senior officers, and raising scrutiny’s profile inside the council.

4. Technical recommendations

‘A lot more could be done through learning from neighbouring councils, and even across jurisdictions, and sharing insights and best practices.’

Around 16% of respondents offered other suggestions relating to what we would describe as “technical”, or operational, improvements to the way that scrutiny works – particularly in relation to tackling major policy developments. Operational changes to the way that members work is important, but we believe that they need to come after challenging and clarifying the role and focus on members’ work, and wider cultural issues within the authority. By changing only the technical aspects of scrutiny’s work without venturing into those wider issues means that there is a danger of leaving scrutiny with effective tools but ineffective tasks.

Various ways to enhance the day-to-day operation of scrutiny were cited to us by respondents, and include:

Use lay members more often and more effectively

There were several examples from various authorities in different jurisdictions who used lay members or professional volunteers in their audit and scrutiny committees. Often, these individuals will be formally co-opted onto committees, although more informal relationships also seem to be common. According to their evidence, the presence of these people allowed councils to cover the resource gap to a certain extent, and their subject expertise ensured that councillors retained a focus on wider impacts of policies. Presence of lay members also seemed to change the dynamics of the meetings and reduced the party-political nature of the work. These lay members were often working pro-bono, with their travel expenses compensated.

Have an internal scrutiny recommendation tracking system

Some councils have a quick follow-up system at each of the committee meetings, some have a yearly update on the follow-ups, some councils consciously track all recommendations and actions. This reflects the review and tracking systems that CfPS has identified over numerous year. Such systems do not need to be technical or bureaucratic to be effective.

Be able to reflect on the impact that scrutiny had over the course of the year

Scrutiny or policy development committees will commonly publish an annual update on scrutiny work, yet not every committee reflects on the impact that this work achieved. We have not undertaken a comprehensive review for this research, but numerous annual scrutiny reports look like a list of accomplished tasks without an indication of their final added value.

¹² David Wilson and Chris Game, Dr Ashworth, Wales scrutiny report, and numerous other publications underscore the importance of limiting political influence and party whipping when engaging in scrutiny’s work

Further technical recommendations include:

- Ensuring no more than one or two substantive items per agenda per scrutiny meeting
- Having more task and finish panels and fewer formal meetings
- Ensuring that each committee has a work programme that is based on priorities, on one hand, and is relatively flexible on another
- Not referring anything for Cabinet or other committees to note and making sure that recommendations are clearly spelled out as such and are measured
- Making a distinction between scrutiny's report conclusion and subsequent recommendations¹³
- Ensuring that members are assigned to committees based on their knowledge, interest, passion, or expertise
- Ensuring that members performing scrutiny are adequately trained
- Making scrutiny findings more data and evidence driven.

How do we know that these recommendations would be useful?

CfPS received and analysed recommendations from people who are truly passionate about scrutiny, and are devoting their time and energy to making sure it works. Often councillors and officers shared their best practices with us, and the impact that those best cases had on scrutiny. CfPS itself has been conducting research and support for councils on scrutiny continuously since it was established, and the findings from this work closely align with CfPS's newest thinking on the topics covered.

Evidence was also documented from Wales – one of the areas that has invested heavily in reforming and improving scrutiny. While there are certainly numerous issues that remain outstanding, the data from our survey shows that councillors and officers in Wales are almost 2 times more likely to perceive scrutiny as more effective compared to the national average across other devolved area. When we asked scrutineers' opinions on whether scrutiny became better or worse in the last year, 42% of Welsh representatives said that scrutiny became more effective and improved. In England, Scotland, and Northern Ireland, only 23% thought that scrutiny became more effective, and close to half of respondents noted no difference.

Jointly, both individual case studies, interviews, and evidence from Wales tells us, that the key to better scrutiny lies in better understanding of scrutiny's role, priorities, focus, and work culture.

¹³ House of Commons Liaison Committee, 2013. Effectiveness of Select Committees

Conclusion

This research showed that scrutiny, manifesting itself in ensuring accountability and policy development, is performed in all four jurisdictions of the UK. Moreover, the impact of scrutiny, its problems and solutions for improvement are equally not jurisdiction-bound. In fact, they are quite universal. It is only the language that we use to describe the formal structures within which member scrutiny operates that is different – making it more difficult to learn valuable lessons from across the country.

Scrutiny tends to be perceived as a moderately effective tool of holding Executive or Council to account, but rarely and inconsistently engages on policy development issues and has almost no impact on the major change and transformation that local government across Great Britain is facing.

Looking forward, there are four key areas for councils to focus on to improve the effectiveness of scrutiny:

1. having clarity about scrutiny's role, tasks, and responsibilities, including deciding on the proportionality of scrutiny's policy development and performance management work;
2. being clear on scrutiny's priority areas and the criteria that underpins this choice, and within that finding a unique focus through which scrutiny can influence decision making;
3. building successful working relationships with Cabinet and senior officers (or other decision-makers) and moving away from scrutiny being seen as adversarial;
4. for scrutiny to develop how it works to adapt to new models of governance, service delivery and challenges facing residents.

Of course, this is not to imply that the only way member-led scrutiny can be effective is to be more aligned with policy development – just that most respondents felt that this was the greatest opportunity.

There were other suggestions that would help scrutiny be more successful, yet we believe that if councillors want scrutiny to play a more significant and positive role, there is a need to address the core concerns, rather than be distracted with tweaking the mechanics.

Local government is facing an enormous amount of change: the devolution agenda in England; collaboration and public service reform in Wales; the interface between national and local government in Scotland; the recent programme in Northern Ireland, which has seen councils' roles expand.

Many of these changes have new governance frameworks and ways of working underpinning them. Some of these changes have seen service delivery moving to external organisations. Scrutiny is key to democratic accountability and transparency and should be able to tackle, challenge, support, engage with, and provide recommendations on the important issues affecting residents and communities.

CfPS' hopes that with the help of this research, its recommendations and the support of APSE, scrutiny will be better equipped to engage on those issues, and deliver added value to peoples' lives and places.

LOCAL SERVICES LOCAL SOLUTIONS

PRICE	
APSE Members	£20.00
APSE Non-members	£40.00

Association for Public Service Excellence

2nd floor Washbrook House
Talbot Road, Manchester M32 0FP

www.apse.org.uk
telephone: 0161 772 1810
fax: 0161 772 1811