

a hard nut to crack?

making overview and scrutiny work

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Introduction

Since its first mention in the 1998 green paper, *Modernising local government: Local democracy and community leadership*¹, it is fair to say that it has been the issue of 'scrutiny' which has caused the greatest discussion. Whilst 'scrutiny' has become 'overview and scrutiny' and 'back-benchers' have become 'non-executives' the topic is still one that is hotly debated in town halls across the country. It has divided councillors and in many cases it has divided councils. To many the separation of executive and scrutiny was seen as a way of sidelining the vast majority of councillors, giving them little to do but nit-pick over decisions already taken by an elite few.

There is now though, a growing acceptance that 'overview and scrutiny' is not the only role for councillors not on the executive. An LGA task group for example found a range of other important roles for these members². However, 'overview and scrutiny' is a key part of the checks and balances necessary to hold decision-makers to account in all of the new arrangements.

It is clear that developing effective overview and scrutiny arrangements will be one of the most difficult tasks facing authorities over the next two to five years. Everyone working in local government – its members and officers – is well aware of the scale of the task facing them. Scrutiny is a hard nut to crack.

Many of the early experimenting authorities – those that have been running scrutiny committees for two or more years – are still struggling to make scrutiny work. Why? There are a multitude of reasons: the unfamiliarity of scrutiny ways of working; insufficient officer support; distrust from cabinet members and chief officers; disengaged scrutiny councillors; and poor management of scrutiny processes.

However, scrutiny has to be made to work. And to pay dividends. All four models of new political management arrangements have to include at least one overview and scrutiny committee. In most authorities the majority of councillors will sit on scrutiny committees. Local government is already unsettled by the groundswell of discontent and disquiet felt by some non-executives in experimenting authorities.

Providing substantive roles in successful and influential overview and scrutiny committees will be one very important part of the formula for developing real roles for non-executive councillors. Local authorities also cannot afford to create new political structures which remain under-developed and frail. All parts of the new system must be healthy and serve a useful purpose if the success of the whole is to be ensured.

And there is no doubt that scrutiny can serve many valuable purposes. It does not have to represent 'a review too far'. It could add substantial value to the work of an authority, providing gains in terms of:

- better informed members, who become adept at investigating below the surface of policies and strategies and consequently develop a range of useful skills;

¹ DETR, *Modernising local government: Local democracy and community leadership*, 1998, HMSO, London

² LGA, *Real roles for members: role of non-executive members in new structures*, 2000, LGA, London

- complementing the strategic and policy-setting work of the executive (or in 'alternative arrangements' the policy committees);
- 're-politicising' the work of Best Value within authorities, by providing meaningful member oversight of continuous improvement;
- overall, providing an interesting and valued role for non-executive councillors;
- developing deeper, more knowledgeable relationships with partner organisations, through involving them in scrutiny work or through scrutinising their own work;
- encouraging public involvement in political management arrangements, ultimately contributing to a necessary re-working of local councils' relationship to its communities;
- tackling key 'cross-cutting' or 'wicked issues' such as social exclusion, ill health and poverty and low educational standards;
- stimulating a more reflective, evaluative and evidence-based culture within local government; and
- contributing significantly to local councils' community leadership and planning role and giving meaning to the new power of well-being.

In many councils the reality is far removed from this vision of how scrutiny could work. But, local government must find ways of realising these benefits. The main purpose of this paper is to examine the common pitfalls facing scrutiny and to suggest some practical ways forward, which will go some way to realising the potential.

What is scrutiny?

But first things first. Any publication on scrutiny must address the issue of 'what is scrutiny?' Many of the problems that have dogged scrutiny committees and, flipping the coin over, much of its potential, comes right back to the problems that have surrounded its definition. 'Scrutiny' is a slippery, contested concept. There is simply no one definition.

Some of this confusion has been produced by the government's own evolving view of how scrutiny committees should work. So, instead of 'scrutiny', which was considered to place too much emphasis on nit-picking over executive decisions, the government developed the term 'overview and scrutiny', introducing the concept of scrutiny councillors having a powerful role in 'overview' of the development and review of key policies and strategies. This did not end the debate. Confusion remains over the precise definition. But such confusion can work to the advantage of scrutiny; where no clear boundary exists, scrutiny can push boundaries or shape a definition to suit the individual authority.

Part of the confusion over definition results because scrutiny performs not one function, but many. In the government guidance (DETR, 2000), the following five key roles are set down.

1. Holding the executive to account

This comes in two forms:

- scrutinising decisions before they are made or before they are implemented, through call-in mechanisms and, more generally, being consulted by the executive; and

- scrutinising decisions after they have been implemented.

It is the former which is potentially the most difficult scrutiny role to undertake successfully. And, it will be a challenge for all authorities to develop the right balance in 'holding the executive to account'. Too hostile and adversarial, and the executive will simply refuse to co-operate, producing dangerous, damaging divisions within an authority. But, too cosy and cordial, and overview and scrutiny will have failed to undertake its 'critical friend' role.

It is no surprise that many of the experimenting authorities have ducked the issue altogether, failing to develop a substantive role in this area and, instead, concentrating upon the other roles for scrutiny. However, such a position will be difficult to maintain since all authorities have to develop call-in mechanisms, and overview and scrutiny committees have a clear role in scrutinising the forward plans which will be produced by the executive.

2. Policy review

This is a far more appetising and appealing role for scrutiny members (and supporting officers). Undertaking investigative, deliberative reviews of policy is a seductive endeavour. Policy reviews can take many forms:

- undertaking a review as part of developing key policies to be included in the policy framework of the council;
- a policy review might examine how well a policy has been implemented and whether the desired outcomes have been met; or

- councils could conduct wide-ranging reviews of policy, for example, a review of housing policy in general.

They could be cross-cutting, or client-focused, concentrate on the 'big picture' or investigate more detailed issues. Some authorities have tended to style such policy reviews on the parliamentary select committee approach, with a focus on oral hearings and written evidence. Others have used a wider range of methods, including workshops, seminars, public meetings, press releases, mystery shopping, commissioning internal and external research, and so on.

This is surely a welcome change from the meetings-based approach of the traditional committee system. And, in those authorities which are pioneering more creative approaches to scrutiny – such as Bedfordshire County Council, Barnsley, Haringey, Hartlepool – many scrutiny members find this role particularly interesting and satisfying.

3. Policy development

Overview and scrutiny committees can also play a significant role in policy development. Authorities can decide to create separate policy development forums, and many have, including Suffolk County Council and Herefordshire. Certainly, it is a common complaint of non-executive councillors that they often miss the close involvement in policy development that the committee system provided. Whether an authority creates separate policy development forums or decides to subsume this role in overview and scrutiny committees, the message is clear: non-executives must have a substantive role in developing policies.

However, in reality there is no neat separation between development and review of policy. If scrutiny committees review policy, then they will necessarily make suggestions for its development (unless the policy is deemed to need no revisions).

4. Best Value reviews

It is at the discretion of individual authorities as to how they relate Best Value to their new political structures. The executive must have a role in leading the search for continuous improvement, but councils can also decide to allocate the oversight of individual Best Value reviews to overview and scrutiny committees. Many authorities are seeking to intertwine Best Value and scrutiny.

There are various ways to make the connection:

- authorities can create a Best Value scrutiny committee, which is charged with the task of examining all Best Value reviews;
- individual reviews can, instead, be allocated to their respective overview and scrutiny committee (education reviews to the education and lifelong learning committee, refuse collection to the environment committee, and so on); and
- individual or paired 'lead' members can be allocated to individual reviews, drawn from the membership of the relevant scrutiny committees.

In practice, many authorities are struggling to make successful connections between scrutiny and Best Value. Largely this is because Best Value has become such a managerial and technical process. Best

Value documents are often so polished and 'complete' that members find it difficult to find a way to 'chip into' them. In the longer term, however, scrutiny could provide a valuable role in 're-politicising' Best Value, something which is urgently needed.

5. External scrutiny

The government also envisages a role for overview and scrutiny committees in 'external scrutiny' – the examination and investigation of the work and impact of outside bodies on the communities that a council serves. There is great potential in this role to support the community leadership role of local government and to give meaning to the new power of well-being. But, there are also great dangers; skill will be required to ensure that relationships with outside bodies are not made worse by scrutiny rather than deepening the council's understanding of partnership working. Generally, experimenting authorities have been nervous of developing this role.

However, there are some notable exceptions. Kirklees Council has been developing an external scrutiny role for some years, with some useful success stories. And Bedfordshire County Council has now undertaken a number of external scrutiny reviews. It will be important to capitalise on the practical lessons from these pioneering authorities.

In particular, local authorities need to develop the knowledge and skills to undertake health scrutiny - given that the government has outlined proposals in the *NHS Plan* and the *Health and Social Care Bill* for a major role for local authorities in undertaking scrutiny of health service organisations.

These five key roles for scrutiny collectively represent an enormous challenge – and work programme – for overview and scrutiny committees. However, scratch a little deeper and it is possible to extend these roles further. Figure 1 identifies 13 roles for scrutiny. A number are inter-linked and inter-dependent.

In addition to the five roles detailed above, scrutiny can be shaped around a general oversight role in *performance management and review*. And some authorities have largely honed their scrutiny function around this approach, with Best Value reviews as the staple diet for scrutiny committees. Related to this, it is also possible to design a key task for scrutiny in ensuring that *corporate priorities* are met.

Figure 1: roles for overview and scrutiny

- holding the executive to account – both before and after decisions are made;
- policy review;
- policy development;
- Best Value reviews;
- external scrutiny;
- performance management and review;
- ensuring corporate priorities are met;
- area scrutiny;
- monitoring and revising the constitution;
- engaging partner organisations;
- engaging the public;
- engaging the media; and
- providing satisfying roles for non-executive councillors.

Authorities can also choose to undertake *area scrutiny*, examining key policies which relate to a particular location or community. These can be undertaken in partnership with

area bodies – and at least ensure that there are good communications between area structures and scrutiny. Some authorities have also given their scrutiny function a leading role in *monitoring and revising their new constitutions*.

And, as stated above, scrutiny has great – sadly usually untapped – potential to *engage partners and the public*. And in order to engage the public, authorities often have to engage the *media*, and some have done so successfully. Finally, scrutiny will fail if it does not provide *satisfying roles for non-executives*.

Looked at from one perspective, such an extensive list of potential roles could be viewed as handcuffs, fettering the successful development of scrutiny. Certainly, such a list is daunting. But, looked at in another way, such a wide definition – and so many potential roles – is a wonderful *carte blanche* for any scrutiny committee.

Principles for overview and scrutiny

But it is not just a question of roles. It is also useful to consider underlying principles of working – which can shape the work and development of scrutiny. Figure 2 outlines such principles. In undertaking policy review and development work, adopting a *deliberative, investigative and evidence-based* approach is likely to produce the greatest results. Such work will also require scrutiny committees to be *proactive*, willing to shape their own agendas and workloads.

However, in holding the executive to account, committees will need to be *responsive* and *flexible*. Overall, good practice would involve working in an *open, transparent, accountable* and *inclusive* manner. And many of the greatest gains

could come through adopting an *outward-looking* focus, involving the partners and public.

Ultimately, overview and scrutiny committees are not decision-making committees, they are *influencing* bodies, and their success will depend on how well they develop influencing skills and channels. And, scrutiny is strengthened if it can draw on *cross-party* support – but developing cross-party working will always be more problematic in some authorities.

Figure 2: principles of working

- deliberative;
- investigative;
- evidence-based;
- open;
- transparent;
- accountable;
- responsive;
- outward-looking;
- inclusive;
- proactive;
- flexible;
- cross-party; and
- influencing.

Common pitfalls and risks

Roles and principles of working are important but making scrutiny work in action is far more challenging. The experience of experimenting authorities suggests that there are a number of key pitfalls or risks which authorities frequently encounter in developing scrutiny (see Figure 3).

Figure 3: common pitfalls and risks

- conflicting definitions of overview and scrutiny;
- re-creating the committee system;
- under-resourcing overview and scrutiny;
- unrealistic and unmanageable work programmes;
- poor management of scrutiny processes;
- lack of co-ordination of scrutiny committee work;
- weak links to other new structures;
- marginalised opposition role; and
- inexperienced chairing.

Conflicting definitions of scrutiny

One of the most obdurate limiting factors is the existence of conflicting definitions of scrutiny. In experimenting authorities there can be four or five different interpretations of scrutiny's role, held by various individuals and groups. A typical 'set' of interpretations – though admittedly a caricature – would go something like this:

- the chief executive and chief officers - concerned about the potential divisions that scrutiny can spawn and workload implications – argue that scrutiny should be closely linked to Best Value, with no separate dedicated officers;
- the leader and cabinet members – concerned about the potential for divisions within and between party groups - concur with the chief executive, and also want to play down the 'holding the cabinet to account' role;

- scrutiny chairs and councillors want to be actively holding the cabinet to account, as well as undertaking a wide-ranging policy review and development role, and want separate dedicated support;
- the opposition emphasise that scrutiny is best led from the front by the 'natural scrutineers' ie themselves; and
- the officers providing direct support to scrutiny committees see the potential of scrutiny, and are often sympathetic to the views of scrutiny chairs and councillors, but also understand officer workload concerns.

Such varying interpretations are a natural consequence of the above-mentioned difficulties in providing a neat, tidy definition for scrutiny. They also clearly reflect the differing power structures within authorities. And such differences of opinion are to be expected in the short-term.

However, they should be explicitly and openly debated within authorities, through the use of workshops and facilitated seminars. There are obviously also opportunities for scrutiny councillors and support officers to exploit this confusion and to seize the initiative. However, in the longer term such different interpretations are likely to hamper and hamstring overview and scrutiny.

Recreating the committee system

Changing the working practices, habits, rituals and culture of a system of decision-making which dominated local government for over 150 years will not happen overnight. New political structures have a natural tendency to reshape and reform back into traditional practices and processes.

It is quite common for overview and scrutiny committees to continue to use committee system processes: using the same committee rooms, set out in the same style; continuing the same officer-member pattern of work; re-creating the same format for minutes and reports; and, even, in some authorities continuing to vote on recommendations and resolutions. Such a continuation of traditional practice is a denial of the needs of scrutiny. The wide-ranging roles set out here will rarely be achieved through such a meetings-based style of working.

Under-resourcing overview and scrutiny

Many experimenting authorities have reflected the broad range of roles possible for scrutiny with what read as highly influential terms of reference. But these 'paper powers' will remain just that if overview and scrutiny committees are not provided with adequate resourcing. Currently, many authorities are under-resourcing scrutiny. And there are many genuine reasons why this is the case. In particular, there is often a desire to evolve scrutiny resourcing gradually or resource constraints limit progress.

For some authorities, especially the smaller district councils, under-resourcing is likely to continue for some time. But, is it really sustainable to simply resource officer support through a committee clerk – with no other direct support? And how sustainable will it be in the long-term to allocate no separate budget for scrutiny? Undertaking the investigative, deliberative policy review role alone can be highly resource intensive, especially if authorities develop more creative scrutiny processes such as commissioning internal and external research, site visits, workshops, public meetings, press launches and so on.

Unrealistic and unmanageable work programmes

It is surprising how quickly what appear to be very light workloads for scrutiny can soon escalate into very heavy, unrealistic work programmes. Indeed, if a scrutiny committee was to undertake all of the roles laid down by government totally comprehensively, it would be meeting daily!

Just overseeing individual Best Value reviews can be a substantial workload. It is not surprising that only three to six months after starting work scrutiny committees can feel that their workloads are becoming unmanageable. Regularly holding scrutiny meetings with ten, 12 or more items pushes out the more proactive, deliberative work and can be a powerful force supporting the re-creation of the committee system.

Poor management of scrutiny processes

Related to both unmanageable work programmes and under-resourcing is the issue of poor management of scrutiny processes and outcomes. Much of the policy review and development work, the Best Value work and even a great part of 'holding the executive to account' requires good project management skills. There needs to be clear forward programmes of work, so that both the scrutiny committees and officers within departments can prepare in advance for scrutiny reviews.

There is also a temptation with scrutiny work to ask for more and more information, which leads to reviews taking far longer than expected. But scrutiny reviews need to have firm deadlines and clear outcomes – another issue which has tended to be neglected in the early experimentation period for scrutiny. All this requires good

management processes and mechanisms. This does not all have to be undertaken by officers. Scrutiny chairs and committees also have responsibility for managing their time and workloads. However, a certain level of officer support is needed.

Lack of co-ordination of scrutiny committee work

There is a tremendous amount of – welcome – diversity in the structures that authorities have created for scrutiny. However, one common approach is to create a series of cross-cutting, mixed with functional, committees. These can number from three up to 12 (the number that Birmingham City Council currently have). In the early days authorities understandably overlooked the importance of co-ordinating the work of scrutiny committees. But such co-ordinating forums can play a vital part in sharing the learning around scrutiny and simply co-ordinating potential gaps and overlaps.

Weak links to other new structures

In the first years of experimentation authorities have tended to concentrate on establishing the main foundations of their new arrangements: the 'structures', such as committees, executive, and so on. Understandably, less attention has been paid to the relationships that need to develop between these structures.

In consequence, the linkages between scrutiny and the cabinet, full council, area arrangements (if any), quasi-judicial committees and policy forums (if any) have been weak. Given that scrutiny is an influencing body at heart developing effective relationships with the other parts of the system will be crucial to its success.

Marginalised opposition role

Opposition parties and councillors often view scrutiny as their natural territory. And this in itself is enough to terrify some majority party councillors. One of the key political debates around scrutiny – rehearsed in every experimenting authority – is ‘what role should the opposition play in scrutiny?’

Some majority party councillors (if there is a majority) are adamant that scrutiny should not be ceded to the opposition, in the belief that they could do much damage if they were given a leading role. This has led to the majority party taking all chairs and vice-chairs in some councils. The danger is that opposition parties feel marginalised from one of the few functions in executive systems in which they believe they can make a difference.

Inexperienced chairing

A common concern has related to inexperienced chairing. This does not mean that scrutiny chairs have not had years of experience at chairing traditional service committees; they often do. What it means is that chairing scrutiny is fundamentally different from chairing a traditional service committee. Scrutiny chairs and vice-chairs are the first people to admit this. But why is it so different? There are a number of explanations:

- the range of roles that a scrutiny committee is expected to fulfil is very wide, which can lead to a potentially high volume of work to undertake;
- the most innovative scrutiny committees use a wider range of activities and processes than the traditional service committee;

- scrutiny is expected to working cross-party, ‘outside’ of the party group system;
- as an influencing body, scrutiny must establish the right balance in its relationships with the executive, chief officers, the public, partners and press. Many times the chair is working as a ‘diplomat’.

Figure 4: role of scrutiny chairs and vice-chairs

- provide leadership and direction;
- ensure that work is member-led eg that members lead on developing a work programme;
- ensure that members have necessary skills;
- endeavour to engage all members of committee;
- ensure that adequate resources (financial and officer support) are provided;
- act as a ‘gatekeeper’, prioritising (with committee) main work;
- work to minimise common pitfalls that befall scrutiny;
- co-ordinate work with other scrutiny committees and chairs (and share learning);
- develop a constructive, ‘critical friend’ relationship with the executive, especially with relevant portfolio holder(s); and
- develop a constructive, ‘critical friend’ relationship with the chief officers in the departments that committee scrutinises.

And so chairing scrutiny represents a real challenge. A number of the key roles for scrutiny chairs are outlined in Figure 4. It is a daunting role description. However, scrutiny chairs and vice-chairs can be a very powerful force in energising their committees. And it is time to begin to pay attention to the *individual* roles within new political management roles. Few will be as important as that of scrutiny chair.

This is not an exhaustive list of pitfalls and risks. And not all councils are demonstrating these weaknesses. Other concerns expressed by members and officers in experimenting authorities include problems with engaging all members, conflicts between officers supporting scrutiny and officers within departments and queries relating to appropriate questioning styles for oral hearings.

Some authorities voice particular concerns about how to relate scrutiny to the party group. Encouragingly, many authorities appear to have established effective cross-party working and some work is now being undertaken on how party groups need to change to meet the challenges of new political structures (see in particular Copus, 2001³).

Realising the potential

Local authorities are quick learners. Although scrutiny is a particularly hard nut to crack, many authorities are beginning to find practical solutions to the common pitfalls outlined here. Although there are a multitude of good practice examples emerging, the paper concentrates on three key areas: identifying and managing work

³ Colin Copus, *It's my party: the role of the group in executive arrangements*, 2001, LGA, London

programmes, officer support to scrutiny and developing effective scrutiny processes.

Identifying and managing work programmes

There are some relatively sensible guidelines which, if followed, will avoid overloaded, unmanageable work programmes. The first, and most important, is that scrutiny committees need to filter potential items of work; to be selective and to prioritise.

Different items may require different approaches. For example, scrutiny committees will need to examine the executive's forward plans but may only choose to examine one or two items in any depth. Similarly, scrutiny committees may be asked their views by the executive on key policies and plans but such consultation does not have to involve in-depth investigation. And, is it always necessary to examine every Best Value review to the same level? A more selective approach, examining more problematic Best Value reviews in greater depth and others more cursorily (if at all) may pay more dividends.

An essential part of this filtering and prioritisation process is simply saying 'no'. If an issue is deemed not to be high priority, or if the time is not considered right, or if another internal or external body has just reviewed the issue or is about to do so, then refusing to take on an issue is a logical step. The Local Government Act does provide that any member of an overview and scrutiny committee can place any relevant item on the agenda, ensuring in particular that members from minority parties can raise specific issues. However, in order to keep work programmes manageable all members will need to ensure that this right is used responsibly.

It is also important to select only a small number of issues per year to examine in depth. Given the limited resources often available – in particular the constraints on member and officer time - it is unrealistic to select more than a few items for intensive, deliberative investigation. Some of the experimenting authorities have argued that a single committee cannot undertake more than two to three in-depth scrutiny reviews per year. And, these scrutiny reviews need careful project planning and management.

It is a mistake to plan a two-year programme of work and then become so entangled in undertaking this work that scrutiny committees never reflect back on their progress against their original intentions. Work programmes should be reviewed and revised regularly. Six month work programmes are probably more workable than annual or two yearly programmes. Some authorities have adopted the practice of reprinting and reviewing their work programmes at each formal meeting.

Probably the best advice is to start small, find your feet, learn what works and what does not and then be more ambitious. It is far easier to add items to your workload than to remove them – and while one is disheartening, the other breeds a sense of achievement. Scrutiny committees should never completely fill up their work programmes; there is always a need to leave some space free for urgent, unpredictable issues to be addressed.

In order to increase confidence amongst scrutiny councillors it is sensible to identify some quick wins. And do not avoid politically contentious or high profile issues; these might just be the type of 'meaty' work that scrutiny councillors will really enjoy working on. Topical issues, such as flooding,

the petrol debate or foot and mouth are just the sort of issues which will engage members (and the public). Certainly, scrutiny members need to take a lead in selecting and revising their work programmes. Scrutiny will only ever work if it is led and owned by members. And officers supporting scrutiny need to understand the 'world of members'; what motivates and interests them. This is essential to supporting a member-led process.

Authorities are also experimenting with using different ways of working in order to manage their workloads. Some scrutiny investigations are undertaken in 'task and finish' small working groups, meeting weekly and reporting back to the main committee. Other authorities have experimented with 'paired members' or individual 'lead' members whose role is to thoroughly understand a part of the committee's remit and to take a lead in the committee deliberations on these items.

Officer support

One of the most controversial – and potentially divisive issues – concerning scrutiny is officer support. There are many points of view on how officer support should be organised. Many scrutiny councillors argue for separate, dedicated – and to their mind independent – officer support. Chief officers tend to be concerned about the potential for separate scrutiny units to produce divisions and tensions within the traditionally unified officer structure. And the spectre of the client-contractor split is a rather too recent example of the dangers of specialist units. District councils, in particular, worry about resourcing the rising demands and expectations of scrutiny councillors for officer support.

To date, three main approaches have emerged in experimenting (which are summarised in Figure 5). The *minimal* approach, which often dominates in small authorities, involves the allocation of committee officers to scrutiny committees – on a part-time basis. This is the only direct officer support provided in such authorities. In the longer term it is doubtful if this will prove sufficient.

Figure 5: approaches to officer support

Minimal

Direct officer support is provided by committee officers, who also provide support to other political forums, such as the executive, full council and so on.

Integrated

Direct officer support is provided, on a part-time basis, from a variety of sources, including committee services, officers within departments and corporate policy officers. All these officers also undertake work for the executive.

Specialist

Direct officer support is provided by a scrutiny support unit with dedicated officers, who only work to their overview and scrutiny committees.

The most popular approach, in larger authorities, is for *integrated* officer support. In this model, officer support – all part-time – is drawn from a range of sources, from committee services, policy and operational officers in departments and from corporate policy and research officers. A good example of this model in practice is Kirklees. The least common of the three models is the *specialist*, dedicated scrutiny unit. This usually consists of policy officers and committee clerks, but can also include

officers with a background in audit, value for money work and Best Value. There are still relatively few dedicated units – the most commonly quoted are Bedfordshire County Council, Haringey and Barnsley, but there are others including Cardiff County, North-East Lincolnshire and West Sussex County.

While the minimal approach will be difficult to sustain, most authorities will have to make a judgement between the integrated and separate models. There are advantages and disadvantages to both approaches. One of the key debates is the one already mentioned: the danger of separate scrutiny units producing divisive tensions.

Some also worry about the cost of separate units. Bedfordshire County Council's support to scrutiny is currently costing in the region of £300,000. This may seem a lot but it represents less than one tenth of one per cent of the total expenditure of the council.

The integrated approach will also have costs attached – but they will simply be less visible. Another concern is how attractive scrutiny posts in such separate units would prove. The answer is probably that short-term seconded posts will prove less of an incentive, however, full-time posts will attract officers seeking to undertake varied and interesting policy work. For district councils many of these arguments will appear rather academic; an integrated approach may be the only logical or practical model to adopt.

Regardless of the decision over separate or dedicated direct officer support, there are a range of good practice guidelines which authorities might wish to follow. These are summarised in Figure 6.

Figure 6: direct officer support: good practice guidelines

- allocate a senior officer (second or third tier) to provide an officer lead for scrutiny. This can be either a full-time or part-time role for the officer;
- ensure that officer support to scrutiny provides an effective mix of the following types of officer and skills (on a part-time or full-time basis): corporate policy officers, research officers (if any), service or issue-specific officers, operational/technical officers, committee services officers;
- other useful skills may include: community development officers, officers experienced in consultation processes, Best Value officers, audit and value for money officers;
- do not require officers to take on scrutiny work in addition to their existing workload; and
- provide training and development for officers directly supporting scrutiny, including committee officers (whose role in scrutiny is very different from that in traditional service committees).

This just covers direct officer support to scrutiny. In reality, there are four key officer implications of developing scrutiny functions: direct officer support (as discussed); supplying information and evidence; responding to scrutiny findings; and general awareness of the work of scrutiny. Each of these requires careful consideration and thought.

Developing effective scrutiny processes

At their best scrutiny committees can work in more effective, creative and interesting ways than a traditional service committee. Authorities can avoid the danger of recreating committee processes and culture.

Councils may choose to do this by styling their scrutiny committees on parliamentary select committees; with U-shaped committee tables, seating for the press and public, nameplates for scrutiny councillors and allocated tables for internal and external witnesses. This is a seductive model to develop. But, would it be as restrictive as the traditional committee system?

Certainly, it is possible to develop a very wide range of scrutiny committee processes, which could be selected from depending on the priority of the issue, the resources available to allocate to it and the nature of the issue. In this way scrutiny would have a 'menu' of processes to choose from (Figure 7 summarises some of the key internal and external processes that could be adopted).

As well as oral hearings, scrutiny committees can use site visits, public meetings, mystery shopping and other user research methods, workshops and seminars and so on.

The more scrutiny committees use different methods, the greater is the need to manage the process of investigation and review. In-depth, intensive investigation needs to be project managed.

Figure 7: scrutiny processes and activities

Internal processes:

- discussion within committee meeting(s) and/or special meetings;
- officer reports and presentations to overview and scrutiny committees;
- interviewing officers;
- interviewing executive members;
- interviewing non-executive members (eg chairs of area forums, chairs of quasi-judicial forums, etc);
- desk-based review of available internal and external documentation (eg relevant strategies and plans, budgetary and financial information, etc);
- site visits within the authority;
- case studies of individual cases; and
- commissioned internal research.

External processes – general:

- interviewing expert witnesses;
- conference attendance;
- visits to other authorities and other organisations; and
- commissioning external research.

External processes – engaging partners (business sector, other public agencies, voluntary and community):

- co-option of representatives of partner organisations on overview and scrutiny committees;
- joint working party with partner organisations;
- interviewing representatives of partner organisations;
- visits to view work of partners; and
- workshops/discussions with partners.

External processes -engaging the public and users of services:

- co-option of representatives of user groups on overview and scrutiny committees;
- interviewing representatives of user groups;
- workshops with representatives of user groups;
- public meetings;
- commissioning research to determine public/user views; and
- press releases and media launches.

Interestingly, some authorities, such as Tameside, are developing a more project planning approach to scrutiny. In these authorities a short report is prepared before a review is begun which sets out the framework for the investigation: its terms of reference, objectives, methods of inquiry, available resources, timescales and desired outputs. However, such management of scrutiny should never become so bureaucratic and inflexible that members become excluded from the process.

Attention is also increasingly being paid to the different styles of report and minute taking that scrutiny committees require. Shorter, summary reports, with key points clearly identified are better suited to the needs of scrutiny than very long, detailed reports. There is also a great potential for the role of committee officers to develop further, with a move away from minutes which record decisions, to fuller transcripts which capture the content and substance of debate.

Alongside using a wider range of activities and changing reporting styles, authorities are beginning to realise the importance of the physical environment for scrutiny. If you want to engage the public, partners and the press, take a good look at your committee rooms. Will they support this process? Simple changes to the layout of a committee room can make a tremendous impact on the style of working. Could scrutiny committees meet occasionally in a more seminar style room and format? And a number of authorities are taking their committee meetings outside the town and county hall or civic centre and holding meetings in community centres, libraries, leisure centres and so on.

Conclusions

Scrutiny currently is not working effectively in many experimenting authorities. But it can work. And it has the potential to add considerable value to the work of local councils. The obstacles to developing more effective scrutiny arrangements are considerable – in particular, resource constraints and the opposition of powerful individuals and groups in authorities. But, there are practical solutions to many of the common pitfalls. And local authorities are learning fast. That learning must be captured and shared.

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