Scrutiny Self-evaluation

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Report Purpose

This report provides the key findings of a self-evaluation of Monmouthshire's scrutiny arrangements undertaken during March and May 2017 and identifies areas for future improvement focus. This self-evaluation ensures there are continued efforts to improve scrutiny practice and to consider how the function can best achieve added value for the Council and the public. The evidence was drawn together during the summer of 2017, which enables new members to develop and implement the priorities for improvement.

An executive summary highlights the key findings of the study and areas for improvement, which has been informed by three evidence sources:

- A self-evaluation conducted internally by scrutineers
- A peer-observation exercise conducted by experienced scrutiny practitioners from other local authorities
- A survey of scrutiny members, executive members and officers

The self-evaluation process was introduced as a national benchmark exercise by the Wales Audit Office in 2013 in preparation for the national study "Good Scrutiny? Good Question", report published in 2014. The process applies the "Characteristics of Good Scrutiny" as performance measures for determining the effectiveness of scrutiny, the measures having been complied by the National Scrutiny Officers Network in 2012 for both the purpose of self-evaluation and the need for a recognised performance evaluation framework for scrutiny.

Summary of Approach

The self-evaluation, the peer observation exercise and the survey are based upon the "Characteristics of Good Scrutiny", which is the national performance measurement framework for evaluating the effectiveness of scrutiny. The model seeks to provide a situational analysis and to identify actions to address shortcomings, through focusing on the following components:

- The scrutiny environment ~ i.e. the culture within which scrutiny operates in a council and how conducive that is to effective scrutiny, the recognition of scrutiny as a key improvement mechanism and a vehicle for citizen engagement, the level of support scrutiny members are given to perform their role (by dedicated officers and wider officers in terms of research and information) and whether scrutiny members have access to development programmes that support them in performing their role.

- Scrutiny practice ~ i.e. whether scrutiny operates apolitically, is member-led and well chaired, whether it utilises a wide range of evidence to inform

its work, whether it builds good relationships with stakeholders, partners and regulators, the extent to which it balances the prioritisation of community concerns against issues of strategic risk and importance and whether it actively encourages the public to participate in democratic accountability.

- Scrutiny's impact ~ i.e. whether scrutiny's challenge of decision makers and service providers is evidenced based, whether scrutiny offers viable and well evidenced solutions to recognised problems, whether decision makers are held to public account for their responsibilities and the extent to which scrutiny enables the 'voice' of local people to be heard as part of the decision-making process.

The self-evaluation framework presents a series of 'ideal characteristics', incorporating the above components of 'scrutiny environment', 'scrutiny practice' and 'scrutiny impact'. Those undertaking the self-evaluation must assess the degree to which they consider their own scrutiny arrangements supports each statement, ranging from "hindering" to "positively supporting", providing evidence to support their choice and areas for improvement.

Whilst the self-evaluation required the full range of statements to be considered, thus providing an in-depth analysis, the peer observation study entailed fewer statements to be applied, acknowledging that a simple observation of 2 committee meetings (and pre-meetings) may not enable the full range of statements to be considered. Similarly, the scrutiny survey provided a shorter questionnaire containing statements that the audience may be suitably placed to answer in terms of "*strongly disagree"*, "*disagree", "agree"* and "*strongly agree"*.

The key findings are drawn by the Scrutiny Manager and incorporate the views of the three contributory sources to the study; the Peer Review Team, the Peer Observation Team and respondents to the scrutiny survey.

- The Peer Review Team ~ comprising the Scrutiny Chairs during 2012-2017, the Scrutiny Member Champion, the Scrutiny Manager and the Council's Head of Democratic Services.

  Evidence: Self-evaluation of Monmouthshire's scrutiny function undertaken in May 2017, applying the scrutiny performance benchmark model "the Characteristics of Good Scrutiny".

- The Peer Observation Team ~ comprising the above equivalent elected members and officers of Caerphilly County Borough and Newport City councils. Representatives of the Wales Audit Office and the Welsh Local Government Association attended peer observation meetings in a facilitative capacity, which added legitimacy to the exercise.

Evidence: Peer Observation of 2 select committee meetings during March and April 2017, applying the scrutiny performance benchmark model "the Characteristics of Good Scrutiny".

- Respondents to the scrutiny survey ~ the survey was sent to all elected members for the 2012-2017 term and all staff (with a repeat request for staff responses in June) together with an explanation of the study. The first survey link was preceded by a blog on scrutiny, which was placed on the council's intranet and sent to all staff via email to raise awareness of scrutiny's role.

Evidence: 76 survey responses were received; 64 responses from officers, 2 responses from cabinet members, 6 responses from scrutiny members and 4 unidentified respondents.

Limitations of the Study

Undertaking self-evaluation is beneficial in enabling those most familiar with the service to critically analyse its performance. The Peer Review Team consisted of individuals who were directly involved in delivering scrutiny. Whilst the team possessed the in-depth knowledge of the function which served as an advantage, there could be argued to be an inherent degree of bias in the self-evaluation.

The Peer Observation Team were able to offer an independent perspective through observation of scrutiny activity in practice. The benefit of the peer observation was that the observers were experienced scrutiny practitioners who were familiar with the "Characteristics of Good Scrutiny" framework and the self-evaluation approach and were able to apply it consistently. The limitations of the peer observation exercise were that the team were only able to provide feedback on what they could evidence through observation of 2 scrutiny meetings.

The survey also has limitations in terms of the statistical validity of the findings. The sample audience was large (all staff and all elected members) and the timing of the survey was poor in terms of securing responses from elected members (the month before a local government election and a general election). It is likely that the timing of the survey impacted upon the number of responses from members. The low number of elected member responses against a significant number of officer responses inevitably introduces a degree of bias to the survey findings. In addition, some officers who responded to the survey claimed they had limited knowledge or experience of scrutiny, which is likely to have impacted on the survey results. With hindsight, a more appropriate targeting of the audience would have reduced bias in the survey findings. This weakness is acknowledged and will be taken into account for future surveys, however, the

views of respondents have been placed in context and have been thoroughly considered as part of the overall findings.

The intention of the self-evaluation was to provide a general picture of how scrutiny is performing in Monmouthshire, not to provide a statistical evidence base and this should be recognised when forming any conclusions as to the validity of the methodology applied.

Outcomes of the Study

The benefits of having undertaken the review are that it:

- ✓ Involved opportunities for shared working, enabling the building of relationships with other councils, identifying areas for further joint working, particularly around self-evaluation and member development.

- ✓ Assisted in developing a better understanding, awareness and appreciation of different approaches to scrutiny.

- ✓ Provided a benchmark of our performance through self-evaluation and peer learning exchange, informed by real time observations and feedback from partner councils which has informed the action plan for improvement.

Executive Summary

This report presents the key findings of a self-evaluation study of the scrutiny function in Monmouthshire County Council. The intention of the study was to provide a general picture of how scrutiny is performing and to outline areas for improvement.

The study consisted of a self-evaluation exercise undertaken in-house by scrutineers (the Peer Review Team), a peer observation exercise with other councils (Peer Observation Team) and a survey sent to all members and officers. The study applied the "Characteristics of Good Scrutiny" criteria, this being the national performance measurement framework for evaluating the effectiveness of scrutiny. The key findings have been drawn by the Scrutiny Manager and incorporate the views of the three contributory sources to the study.

Scrutiny Environment / Culture
The study sought to assess whether the environment in which scrutiny operates is conducive to effective scrutiny. The findings were positive, the Peer Review Team, the Peer Observation Team and the survey respondents reflecting a clear and shared understanding and application of scrutiny's role and purpose. There

is a sense that scrutiny is generally respected both within the council and externally and that there is an effective relationship existing between scrutiny and the executive. Scrutiny was felt to operate independently from the executive and to challenge apolitically.

The findings indicated that the governance arrangements for scrutiny are clearly understood by the executive and officers and are applied consistently. Scrutiny was felt to have a clear and valued role in performance management and financial management, although it was acknowledged that the strength of challenge by scrutiny members in these areas could be improved.

Scrutiny Practice

In terms of the effectiveness of scrutiny practice, it was largely agreed that scrutiny has the dedicated officer support it needs, however, findings indicate there is a need to improve the capacity of members to constructively challenge. Practice was felt to vary across the select committees, the effectiveness of the chairing of scrutiny meetings being key to ensuring an effective questioning strategy and the driving of the agenda to achieve clear outcomes.

Conduct was regarded as good, however, it was acknowledged that poor behavior by a small minority can severely impact upon scrutiny's status and perceived value. The low attendance of members at scrutiny training sessions was highlighted through survey comments and the Peer Review Team recognised that new members will need significant member development and support to enable them to effectively perform the scrutiny member role.

Scrutiny Impact

The findings support that scrutiny is increasingly holding partners to account for decisions taken that affect the people of Monmouthshire and that it is effectively championing on behalf of communities on major issues such as broadband and business rates. Observers commented positively on scrutiny's attempts to engage the public in its work through inviting relevant key stakeholders and service users to meetings on a 'topic basis'. The Peer Review Team recognised however, that the extent to which scrutiny is affording real democratic engagement on major issues is questionable, suggesting there is a need to consider ways in which scrutiny can more proactively engage with the public and bring the public's perspective to its work.

A key improvement area highlighted in the study was the need for 'evidence-based' constructive challenge. Whilst observers acknowledged that members asked valid questions, they felt there was a lack of a questioning strategy. Survey comments suggest there is a need to strengthen the level of challenge of the executive and officers. Similarly, it was felt that scrutiny members rely heavily on information that is given to them, as opposed to gathering independent evidence to support alternative proposals or to propose solutions.

Way Forward

The improvement priorities presented in the report will need to be taken forward by the Scrutiny Chairs Group, but they fall mainly in the categories of 'scrutiny member and officer training' and improving our weaker scrutiny practices.

The 'Scrutiny Member Development Programme' will need to focus on areas ranging from the role and responsibilities of a scrutiny member to affecting constructive challenge through independent evidence gathering and the need to draw evidenced-based conclusions / develop solutions. Officers suggested via the survey that there is a need to provide further officer training on scrutiny's role, political report writing and governance processes in order to ensure that quality information is provided to members to enable them to challenge effectively.

Improving scrutiny practice requires a clear need to focus on engagement of the right people on the right topics to deliver outcomes. The study highlighted the need to consider how to engage members in 'value added scrutiny' that can deliver timely outcomes. There is a clear interest from members to be actively involved in determining future service delivery and other working styles may be better placed to achieve this than formal meetings. Considering how the scrutiny function can effectively engage the public in decision-making (ensuring a clearer understanding of the decision-making process and vehicles through which they can become involved) needs a concerted focus, if meaningful public engagement is to be achieved.

The opportunities for improvement are significant, due to key developments since this self-evaluation was undertaken. We have a new administration in place for a new council term, we have a new Corporate Plan, a revised constitution and we have refreshed all of our major strategic plans in preparation for a dynamic response to increased challenges in public service delivery. We have also strengthened our governance arrangements; closing loops in our decision-making process, enhancing the role of the Democratic Services Committee and implementing a new 'options appraisal' approach to political reporting. We are also embarking on implementing remote attendance at meetings, all of which demonstrates that continuous improvement is a corporate priority and that we are committed to creating an environment in which scrutiny can become more effective.

Key Findings

The key findings are drawn by the Scrutiny Manager and are based upon general themes emerging from the three elements of the study; namely the Peer Review Team's self-evaluation (**Appendix A**), the Peer Observation Team's Feedback (**Appendix B**) and the responses to the scrutiny survey (**Appendix C**). The report seeks to provide a general overview of the state of play of scrutiny in Monmouthshire and to acknowledge areas for improvement and as such, the evidence sources will be referred to enable the reader to appreciate why the conclusion has been drawn. For simplicity, the evidence source reports are provided as separate appendices.

1) Understanding of Scrutiny Role

There is a clear and shared understanding and application of the role and purpose of scrutiny amongst executive and non-executive members, senior officers and key local partners. There is a Scrutiny and Executive Protocol in place which has afforded scrutiny and the executive a mutual respect for each other's roles and has increased the professionalism of all parties. There is improved attendance by senior officers, officers attending prepared and with a clearer understanding of the type of information scrutiny members need, the quality of information being brought to scrutiny having improved. The Peer Observation Team commented on positive relationships between scrutiny and officers and external partners. Scrutiny is increasingly holding partners to account for decisions taken that affect the people of Monmouthshire. Scrutiny of the Public Service Board is established, however the Peer Observation Team commented that whilst recognising that PSB scrutiny is at a very early stage, there was insufficient information provided to the scrutiny committee meeting they observed to enable scrutiny to robustly challenge. *Evidence: Questions 1, 3, 12 and 27 of Appendix A, Appendix B ~ Peer Observation Feedback, March and April 2017.*

2) Held in high esteem, trusted and respected?

Scrutiny is generally respected within the authority and externally with an effective relationship between scrutiny and the executive. Scrutiny is not always felt to 'be held in high esteem', due to the nature of the role being challenging i.e. cross-examination, critical friend. Practice across the select committees varies and there is room for improvement in terms of some members' capacity to challenge. Conduct is generally very good, however, poor behavior by a small minority can severely impact upon scrutiny's status and perceived value. The Peer Observation Team highlighted respectful behaviour being observed. *Evidence: Question 2 of Appendix A, Appendix B ~ Peer Observation Feedback, April 2017.*

3) A Corporate Role

Scrutiny has a clear and valued role in performance management, enhanced by changes made to how performance information is reported to scrutiny, enabling members to better understand any patterns or inconsistencies within services. The financial reports are taken to scrutiny and to the executive to ensure a wide understanding of the financial pressures within service areas and this enables members to put issues into context when scrutinising both performance and risk management. The chief officer self-evaluations enable both challenge on past performance and an input into determining the future strategic direction for services. It also enables scrutiny to have an oversight of the alignment of activities with wider corporate objectives. The survey suggested that member training in these areas is required to improve the level of challenge. *Evidence: Question 4 of Appendix A, Scrutiny Survey comments (unpublished).*

4) Relationship with Regulators

The communication between scrutiny and internal and external auditors has improved and the relationship with the Wales Audit Office has been positive, in terms of increasing self-evaluation to reduce external regulation. There is an acknowledged room for improvement with some regulators in terms of enabling scrutiny to play an enhanced role. *Evidence: Question 4 of Appendix A.*

5) Clarity in Governance Arrangements

The governance arrangements for scrutiny are clear, are understood by the executive and officers and are applied in a consistent manner. The Scrutiny and Executive Protocol forms part of the constitution and revision of the constitution enabled the Scrutiny Chairs Group to review working practices. *Evidence: Question 6 of Appendix A.*

6) Scrutiny Support and Training

Members are supported by a 'Scrutiny Member Development Programme', however, the survey raised concerns around the attendance of members at training sessions, which are not mandatory. The scrutiny function benefits from independent, objective and dedicated scrutiny support. The wider officer core also support scrutiny members to constructively challenge and by engaging expert officers in performance and finance in scrutiny, they are able to provide independent and objective analysis, which both raises the quality of scrutiny debate and ensures that the information being provided to members is accurate and consistent. *Evidence: Questions 8, 9, 10 and 11 of Appendix A, Appendix C, Scrutiny Survey.*

7) Operating apolitically and independently of the executive?

The Peer Review Team and the Peer Observation Team conclude that scrutiny operates independently from the executive and challenges apolitically and the survey indicates that the executive are held to account by scrutiny. The survey highlighted occasional political behaviour, acknowledging that political influences are difficult to remove entirely. The Peer Review Team stated that "the executive

neither influences scrutiny's choice of topics nor any recommendations it makes". There is a culture of constructive challenge in the council and scrutiny's role as a critical friend in undertaking that challenge appears to be welcomed by the executive. Recommendations are debated openly, the executive attending meetings when requested and being suitably prepared. There is a clear sense of role and purpose in both the executive and scrutiny functions, with no obstruction from the executive to scrutiny's work or its recommendations. *Evidence: Question 13, Appendix B ~ Peer Observation Feedback, March and April 2017, Appendix C, Scrutiny Survey.*

8) The Effectiveness of Chairing

The quality of chairing was commented upon by both sets of observers and survey respondents and is generally regarded as effective. The Peer Observation Team acknowledged that whilst there was effective summing up and drawing of conclusions, there was a tendency to allow non-relevant tangential discussion, which the chair could better manage in order to drive the agenda (this was also commented upon in the scrutiny survey). *Evidence: Questions 14, 15, 16 and 24 of Appendix A, Appendix B ~ Peer Observation Feedback March and April 2017, Appendix C, Scrutiny Survey.*

9) Evidence-based constructive challenge?

The member training sessions on questioning, listening and analysis are felt to have improved the skills of some members in this area, however, at times, questioning lacks clarity and strategy, members conceding rather than pursuing a line of inquiry. The Peer Observation Team observed "good questioning by members", however, they highlighted that some members make statements rather than challenging those responsible. The strength of challenge of the executive and officers was raised in the scrutiny survey, officers reporting mixed experiences across the committees, highlighting the need for improvement.

The extent to which members are gathering independent evidence to support alternative proposals or to propose solutions to problems rather than relying on information given to them is questionable (highlighted through the survey). Scrutiny has conducted numerous reviews which have followed an evidence-based approach, involving experts, key stakeholders and service users, however, Task and Finish Group work has generally taken too long to complete, which has led to scrutiny missing the boat in terms of its impact. The complex and dynamic environment of a modern council may not necessarily lend itself to resource intensive Task and Finish Groups and as such, scrutiny committees have become more flexible, holding special meetings where appropriate to consider emerging issues in a timely manner. The need to ensure public accountability for performance and major policy decisions needs to be balanced against the undertaking of in-depth reviews on subjects of interest (survey feedback). Scrutiny has begun to challenge via other means i.e. short scrutinies and member workshops, enabling members to set the direction with officers facilitating and delivering actions. *Evidence: Questions 14, 15, 16 and 24 of Appendix A,*

Appendix B ~ Peer Observation Feedback March and April 2017, Appendix C, Scrutiny Survey.

10) Public Engagement

Scrutiny does engage the public in its work, inviting relevant key stakeholders and service users to meetings on an 'topic basis', which has proven successful. Members are keen to ensure the public have the opportunity to participate in its work and have sought to engage them in scrutiny work through press releases, business breakfast meeting and focus groups. The scrutiny committees also hold a public open forum at all meetings to enable the public to influence the scrutiny process and all meetings are webcast (acknowledged as good practice by the Peer Observation Team).   However, given that public attendance at scrutiny meetings varies across committees, there may be a lack of awareness of the opportunities for the public to participate. In terms of real democratic engagement on major issues, there is a need to consider ways in which scrutiny can engage more proactively with the public and bring the perspectives of the public to its work. *Evidence: Question 17 and 26 of Appendix A, Appendix B ~ Peer Observation Feedback March 2017, Appendix C, Scrutiny Survey.*

Improvement Priorities

1) Member Development

- To ensure a clear understanding of the scrutiny member role and the scrutiny chairing role.
- To ensure an understanding of the parameters of the distinct roles of members and officers ~ members in setting the policy direction and officers in facilitating, enabling and delivery.
- To guide on the role and conduct of a councillor in a modern council environment, including presentational skills and how to effect constructive challenge.
- Training of members on scrutiny chairing, questioning and listening skills and drawing evidenced-based conclusions.
- Training on analysis of the impacts of proposed actions, both financial, legal, future generations.

2) Officer Development

- To guide on political report writing and governance processes.
- To assist officers to understand the scrutiny role and the benefits of robust pre-decision scrutiny (even if this incurs a delay in a decision being made).

- To improve the quality of information being brought to scrutiny and to encourage 'options appraisal' style reporting to ensure that members are able to debate the merits of a range of proposals rather than a preferred option.

3) Information brought to scrutiny

- To align the performance reporting and financial reporting as far as possible to ensure members receive the full picture at the same time. The context provided in each of the reports would be complementary and would enable a broader and more holistic understanding of the position within a service area.
- Ensure that partners also bring good quality information to scrutiny meetings to enable effective challenge.

4) Relationships with regulators

- Engage more proactively with particular regulators on their work programmes to:

  - Enable scrutiny to play an enhanced role ~ conducting pre-inspection scrutiny as well as ongoing performance monitoring.

  - Ensure the timely scrutiny of final reports produced by regulators and the timely scrutiny of action plans in response to regulatory recommendations.

5) Effective Corporate Planning

- Continue to closely monitor the decision-making process to ensure the Council's business is programmed and published correctly. The 'Cabinet and Council Forward Planner' and the 'Scrutiny Forward Work Programme' are available to the public and are tabled to scrutiny meetings, but we need to continue training officers in ensuring the plans are completed in a timely manner with the appropriate detail.

6) Scrutiny Support

- Ensuring the Scrutiny Manager can put arrangements in place for occasions such as annual leave/work conflicts to ensure that scrutiny members have independent and objective scrutiny support.

7) Consider other means of undertaking scrutiny

- There is a need to consider how best to engage members in meaningful scrutiny that can deliver timely outcomes;

  - Members have welcomed senior officer support for focused scrutiny activity and have expressed a desire to become more involved in shaping the future strategic direction of the council.

  - The holding of workshop style meetings with members to actively involve them in determining future service delivery will require senior officer input in order to take member suggestions forward, however, it is a more timely and effective way of engaging members than task and finish groups or seminars.

  - The 'action learning' approach both engages members and enables the council to respond more promptly and dynamically to challenges posed.

8) Public Engagement in Scrutiny and Democracy

There is a need to consider:

- How we can engage the public more effectively in decision-making, by ensuring a clearer understanding of the decision-making process and the vehicles through which they can become involved (i.e. scrutiny).

  - Whilst the public are able to offer suggestions via the website or through attending a meeting, we need to achieve real democratic engagement in the key decisions the council takes. For example, some councils have trialed online public forums for proactively consulting on major proposals in advance of the decision.

  - Scrutiny members could engage more proactively with the public through roadshows or holding specific meetings with residents and communities on particular topics.

  - The scrutiny function could raise awareness of its role and proactively engage with the public on scrutiny topics via social media websites, such as Twitter. Whilst the public may attend meetings if the subject matter is of relevance to them, they may be unaware of the scrutiny role.