
CENTRE FOR GOVERNANCE AND SCRUTINY – SCRUTINY IMPROVEMENT REVIEW

1 PURPOSE OF REPORT

- 1.1 To note the contents of the final report letter, dated November 2021, by the Centre for Governance and Scrutiny (CfGS) Improvement Review (Appendix 1).
- 1.2 To set up a Member Working Group of the Review Committee to develop an action plan to deliver the recommendations of CfGS.

2 INTRODUCTION

- 2.1 In 2019, a Local Government Association Peer Review was undertaken which examined Rochford District Council as a whole and identified key areas for improvement. Within these areas, performance of the overview and scrutiny function was highlighted as a cause for concern, with the following statement made: “the Council also needs to strengthen the scrutiny function which Members said does not play a positive role in policy development”.
- 2.2 The Peer Review proposed that CfGS undertake work with Rochford District Council to work with Members and officers to ensure that the overview and scrutiny function is working effectively, and to develop actions to help the function improve.
- 2.3 The work of CfGS to audit and review the Review Committee had been postponed up until this period due to the impact and repercussions of the COVID-19 pandemic which began shortly after the completion of the Peer Review. The work commenced in July 2021 and involved CfGS undertaking a day of on site meetings with Members and officers, observing the recordings of previous Review Committee meetings and reviewing key documents.
- 2.4 The draft report letter was socialised with officers, the Chairman and Vice-Chairman of Review Committee, the Leader and Deputy Leader for their initial observations. An informal meeting was also held with CfGS and Members of the Review Committee and the Executive to discuss the report and its recommendations and seek any feedback from Members as to its conclusions and contents.

3 NEXT STEPS

- 3.1 The next step is for the Review Committee to develop an action plan that will deliver and meet the recommendations of CfGS. This action plan will be developed by Members of the Review Committee with assistance from officers.

- 3.2 The action plan will be part of the Review Committee's ongoing work plan and is intended to be an iterative process until completed.

4 RISK IMPLICATIONS

- 4.1 The risk of not following the recommendations of CfGS is that the Review Committee does not fulfil its potential and does not perform the important role which an overview and scrutiny function is required to perform.

5 RESOURCE IMPLICATIONS

- 5.1 It is the view of the CfGS that the implementation of their recommendations should be achievable within existing resources. If there are any resource implications arising from an action plan these will need to be agreed as part of that work.

6 LEGAL IMPLICATIONS

- 6.1 There are none arising out of this report.

7 EQUALITY AND DIVERSITY IMPLICATIONS

- 7.1 An Equality Impact Assessment has not been completed as no decision is being made.

8 RECOMMENDATION

- 8.1 It is proposed that the Committee **RESOLVES**
- (1) That the contents of the final report letter, dated November 2021, by the Centre for Governance and Scrutiny (CfGS) Improvement Review be noted, as set out at Appendix 1 to this report.
 - (2) That a Member Working Group of the Review Committee be set up to develop an action plan to deliver the recommendations of CfGS.



Angela Law

Assistant Director, Legal & Democratic

Background Papers:-

None.

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Angela Hutchings
Managing Director (acting)
Rochford District Council

November 2021

Dear Angela,



Short Scrutiny Improvement Review – CfGS consultancy – Final Report letter

I am writing to thank you for inviting the Centre for Governance and Scrutiny (CfGS) to carry out an evaluation of the Council's scrutiny function. This letter provides feedback on our review findings and offers suggestions on how the Council could develop its scrutiny process.

As part of this improvement process, we would like to facilitate a workshop with Members and Officers to reflect on this review and to discuss options for improvement. We hope that this feedback and findings will assist any future governance and constitution review currently underway.

Background

Rochford District Council (RDC) commissioned the Centre for Governance & Scrutiny (CfGS) to advise and support its Members and Officers in the review of the Council's scrutiny function to ensure that it is effective in providing a quality contribution to political accountability, policy and decision making, delivery of Council plans and overall improvement.

The Council has not undertaken a comprehensive review of its scrutiny arrangements for some time and wanted to check and test that scrutiny arrangements meet the Council's high expectations of democratic accountability and that decision-making and overview and scrutiny is transparent, effective and impactful.

RDC's aspiration is to make its ongoing approach to scrutiny fresh, innovative and bold and that its overview and scrutiny structure creates the right framework to maximise impact within its governance arrangements.

CfGS undertook a review of the current scrutiny arrangements, involving a day onsite on 14th July 2021 to gather evidence through conversations with Members and Officers. In addition, we observed a scrutiny meeting and reviewed key documents.

CfGS met with elected Members and Officers, including the Council Leader and Executive Members, Group Leaders, Review Committee Chair and Vice-Chair, Members of the Review Committee, Members of the Council's senior leadership team, as well as Member support and governance Officers.

The review team from CfGS was:

- Kate Grigg – Senior Research Officer
- Ian Parry – Head of Consultancy

The findings and recommendations presented in this letter are intended to advise RDC in strengthening the quality of scrutiny activities, increasing the impact of its outputs, and through its Members, develop a strong and shared understanding of the role and capability of the scrutiny function.

Summary of findings

1. Scrutiny has the conditions for success

The conditions for successful scrutiny are present at RDC; there is a clear commitment to scrutiny and the value that it can bring from the political and Officer leadership. There is good support from senior Officers and the governance team, the Executive recognises the benefits scrutiny can bring and scrutiny Members dedicate time to the role and want to improve outcomes.

Scrutiny Members could reference some examples where scrutiny had made a useful contribution and enjoyed taking part in work groups, although some Members felt that these could work better. The majority of those interviewed believed that improvements are needed to make scrutiny more effective and give greater value. This is also supported by the Leader and Senior Officers.

For scrutiny to realise its true potential there are a number of changes and initiatives it could consider which would help this function to make a much greater contribution, to deliver more value and to gain a higher level of recognition for its role and purpose. These opportunities are outlined in this letter.

There have been significant changes at RDC. It has strong working arrangements with Brentwood District Council involving plans to share more service delivery, and since this review has appointed a shared Chief Executive. Clearly the Council's response to the pandemic and focus on recovery has understandably been a major focus which has also affected the ability of scrutiny to meet in person and in public as normal.

The Council also has ambitious plans to develop some of its assets to support local economic development. From a scrutiny perspective, these plans and goals provide an ideal challenge and opportunity for scrutiny to add value through its involvement in shaping decisions, testing policy and holding to account. Our findings will assist scrutiny to become more effective in how it works and the contribution it makes.

2. Organisation and Officer support

Scrutiny is a Council-wide responsibility and cannot operate effectively if detached or left to its own devices. While Members, the Executive and Officers acknowledge its importance, there are signs that it is not fully integrated and more effort is required to ensure that scrutiny is well sighted on key issues, receives adequate support and is recognised as an integral part of the Council's governance.

Most agreed with the principle that scrutiny is more effective when Members of the committee work collaboratively together with politics left at the door (as much as is practicably possible) and an equal voice is given to all.

There are examples of regular communication and information sharing between the Review Committee Chair, Executive lead and Director, but this could be improved.

Members were generally positive about the support they received from Member Services and were complimentary about the quality and responsiveness of Officer support, although more support is something that Members would like.

3. Scrutiny's role, responsibilities and relationships

Scrutiny's overall role is to hold the Executive to account, to test out policy development, contribute to improved decision-making, and channel the voice of the public.

Generally, Members were able to articulate the purpose and contribution that scrutiny should be making, although there is more that could be done to ensure a consistent understanding of the benefits and value that scrutiny can bring.

In practice however, challenge is not as robust as it could be. Some Members felt that scrutiny was not always a politically neutral space, where robust challenge was welcomed and encouraged. There were also suggestions that disagreements about issues within the district had caused political rivalries to enter the Review Committee, which was not seen as productive or helpful.

In any political democratic institution, there will be differences of opinion and disagreement about policy and decisions. This should be recognised and accepted. However, in a scrutiny context politics can have a diluting effect if it becomes too regular or adversarial, or leads to a breakdown of mutual trust and respect. Rochford Review Committee may need to be mindful of the benefits of cross-party working and collaborative scrutiny.

This is particularly important when scrutiny wishes to question an Executive Member. If such encounters become too politically charged this can lead to defensive and negative outcomes, rather than resulting in creative and useful recommendations.

We heard that Executive Members attend meetings, however their engagement with the process could be improved and be more visible and regular. This may require Executive Members attending and being held to account as the main focus. At the moment, Review Committee tends to focus on report-based Officer scrutiny, often as a review or monitoring activity. There is insufficient scrutiny of forward plans or key decisions and therefore scrutiny lacks strategic focus. This dominance of operationally based scrutiny is potentially a missed opportunity for scrutiny to engage in constructive and value-adding work.

We recommend:

- **Strengthening working arrangements between the Executive and Review Committee to provide clarity of scrutiny's purpose and need to engage more on policy and key-decisions in a challenging, constructive and collaborative framework. This could be achieved through holding triangulation meetings between the Review Committee Chair and Vice-Chair, Executive Members and Officers to consider future issues and the part which scrutiny could play in testing and shaping these forward plans. It would also present an opportunity to share and discuss opportunities to involve scrutiny as an improvement asset.**
- **This could also be supported through additional training for the committee.**
- **That RDC develop an Executive-Scrutiny protocol to outline and reaffirm roles and responsibilities, dealing with the with the practical workings of scrutiny as well as the cultural dynamics included expected behaviours, access to information, etc.**

- **Scrutiny of Executive Members forms part of the work programme, also providing an opportunity to hold the Leader and portfolio holders to account for delivery of the Corporate Plan and any other issues scrutiny feel is important. Presenting an integrated finance and performance report could offer an ideal opportunity for the Leader to effectively engage with scrutiny and be accountable.**

4. Scrutiny's focus and work programme

There is a recognition that scrutiny needs to focus more on strategic issues, where it can have influence, and that scrutiny should input into the decision-making process at an earlier stage than it does currently.

We heard from some Members, and our observations also indicate, that the business of the Review Committee has become rather standard fare and contains many topics which are repetitive, 'for information' or simply to give an update.

The majority of the substantive items on scrutiny agendas lacked a clearly articulated outcome to really justify scrutiny's consideration of the topic. When topics are reviewed the focus tends to be operational rather than strategic or outcome focused.

There is often little value that scrutiny can offer these agenda items and capacity may be better used on scrutinising future plans and proposals etc. This would offer greater motivation and interest for Members who would feel more engaged, productive and utilised in playing a more influential and impactful role.

With a growing relationship with its partner Council, several key economic development opportunities and an ambitious corporate plan there is an opportunity for scrutiny to be an integral part and add value to the Council's improvement and delivery plans.

For scrutiny to be more strategic there needs to be change from both the Review Committee and the Executive. If the Council wants more emphasis on shaping policy, challenging and holding to account, then scrutiny will need earlier access to and involvement with the core policy and decision-making activities of the Executive.

Review Committee Members are not currently sufficiently involved in the construction of the work programme which is highly dependent on being Officer-led and which lacks sufficient alignment to the Council/Executive direction. There is an opportunity to consider how the Review Committee can contribute to influencing policy, generating ideas and providing effective oversight and challenge if the work programme can be better constructed.

We also noted that scrutiny could be more involved in the budget process, and at an earlier stage to deliver meaningful input. Scrutinising the Council's finances, including the medium-term financial plan, monitoring financial and operational performance do not seem to be sufficiently explored.

We have produced guidance, in partnership with CIPFA, on financial scrutiny¹ setting out scrutiny activity to complement the Council's annual financial cycle. The guide suggests ways to move budget and finance scrutiny beyond set-piece scrutiny 'events' in December and quarterly financial performance scorecards being reported to committee.

¹ CfGS & CIPFA (2020) 'Financial scrutiny, practice guide' - https://www.cfgs.org.uk/wp-content/uploads/Financial-scrutiny-practice-guide_proof3.pdf

We recommend:

- **An annual process for developing the work programme engaging Members, Officers, possible partners and the public to prioritise the topics for review. This could involve a Member workshop, where a shortlist of priority topics for the next 12 months are identified according to a selection criteria, discussed on their merit for scrutiny, and agreed for inclusion.**
- **A review of the current approach to financial scrutiny and MTFS/ budget scrutiny to bring in the Review Committee at an early stage in budget preparation and MTFS refresh.**

5. Committee structure

RDC's single scrutiny committee – Review Committee – is the main forum for Council public scrutiny. It also directs some of its work through working groups or task groups. Its focus is largely operational and review.

The Council Constitution clearly sets out the terms of reference of the Review Committee, which give it sufficient scope to play a constructive and effective role. It may however overstate the 'review' aspects of its role and lead it to be more backward looking, rather than forward focused on the big issues ahead and helping to scrutinise and objectively shape new plans and policies. We suggest it would benefit from a refresh of its terms of reference and its role. There are opportunities to rebalance the 'review' aspect, (perhaps also with a different committee title to avoid confusion) and design its brief to be much closer to the key corporate issues including Council finance.

Scrutiny may also benefit from further use of task and finish groups or spotlight events where single issues of major importance to the Council or community can be considered and explored in greater detail. This can add significant impact and quality to scrutiny activity. But must be clearly scoped, resourced, time-limited and with clear objectives to be useful and effective. They are best if used sparingly and dedicated to major issues - an agreed criteria can help.

Task and finish work can offer significant value and provide a positive experience for Members to work collaboratively and engage with residents or organisations outside the Council. Task and Finish groups may also be a useful vehicle to annually look in more detail at the preparation of the Council budgets.

We also noted an interest by some Members to use the call-in function more readily than might be expected. The Council's constitution is relatively light on call-in criteria and clarity of its purpose. If this were to continue it may become quite disruptive and affect efficient decision-making. We would therefore suggest that this is addressed by the Council's constitution.

We recommend:

- **RDC considers a refresh of the Review Committee, to emphasise the Overview and Scrutiny task, together with updated terms of reference that support a more strategic, forward-looking role.**
- **Further use for task and finish groups or spotlight events to look at key issues in greater depth, based on sound criteria and 'business case'.**

- **The Council's call-in procedures are reviewed in its constitution to give greater clarity on call-in criteria and purpose.**

6. Chairing and meeting preparation

The Review Committee Chair has a vital task in leading the committee, ensuring that it builds and maintains strong relationships with the Executive, Officers and relevant external partners. The Chair can also lead on setting the working culture of scrutiny, helping it to set and uphold high standards of behaviour, engagement and debate, ensuring good cross-party working. The Chair will want to encourage challenging, but respectful and collaborative scrutiny of the Executive. The Chair must also ensure that the committee is able to select and build its own work programme and agendas. As well as ensuring that the committee has timely access to information, briefings and resources as required for the tasks it sets.

The present Chair recognises the size and importance of the role and is fully dedicated to what is one of the most challenging roles in the Council. He also acknowledges that further updating and extending his skills and experience would be welcome.

The committee does not currently hold pre-meetings to discuss how it will approach and plan its management of Review Committee meetings, to enable it to discuss essential questioning strategies and objectives. There are plans however to arrange these pre-meetings in future, perhaps using online facilities to make them easier to arrange and less time-consuming.

We recommend:

- **That more skills development support is offered for the key roles of Chair and Vice-Chair and also for Executive Members on understanding their scrutiny role and how to get the best out of the relationship with scrutiny.**
- **That the committee considers holding a pre-meeting to consider its business and plans its approach.**

7. Member development

Scrutiny provides an excellent opportunity for broader Member engagement and to support Members in getting an in-depth understanding of issues. To get the most out of scrutiny, Members need a clear sense of what is required of them as committee Members and the work involved which allows good scrutiny to happen.

Members felt that more briefings to equip them with core knowledge, especially on more complex or technical issues would be welcome and equip them better as scrutineers. Some Members and Officers agreed that Member development in scrutiny skills would be beneficial.

- **We would recommend that the Council considers new ways to advise and brief Review Committee Members to ensure that they have sufficient knowledge on the topics they are intending to scrutinise – and that further Member skills development and training be explored.**

Thank you and acknowledgements

We would like to thank the Chair and Vice-Chair, Review Committee Members, Executive Members and Officers who took part in interviews and the survey for their time, insights and open views.

Yours sincerely,

Ian Parry
Head of Consultancy
Centre for Governance & Scrutiny