

FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

CABINET

13 JANUARY 2022

Report of the Managing Director

An Update on the Implementation of the Scrutiny Action Plan

(Corporate Services & Budget)

1. Divisions Affected

1.1 County Wide

2. Key Decision

2.1 This is not a key decision.

3. Purpose

3.1 To update Cabinet on the implementation of the Scrutiny Action Plan and consider the merits of moving to a Select Committee approach.

4. Information and Analysis

4.1 A Member-led review of the Council's Scrutiny function was undertaken by the Centre for Governance and Scrutiny in 2020. The Centre for Governance and Scrutiny made a number of recommendations that highlight the need for cultural change, as well as practical change, ensuring that the Scrutiny function is brought up to date and fulfils more of a central role and is better able to add value to the work of the Council. Following the review, the Scrutiny Review Steering Group produced an action plan, which was approved by Cabinet on 8 October

2020 and Council on 2 December 2020. A copy of the agreed action plan is attached at Appendix 2.

- 4.2 The Scrutiny Review Steering Group has overseen the delivery of the action plan during 2021. Excellent progress has been made and the majority of the actions have been completed, including the following:
- The Forward Plan has been improved and is being used by the Improvement & Scrutiny (I&S) Committees to identify potential areas for scrutiny.
 - The Work Programmes are informed by the Council Plan and Forward Plan along with any key matters which the I&S Committees wish to pursue which will enable focus on strategic issues and ensure alignment with corporate priorities.
 - The Cabinet report template now includes a specific section on consultation which enables views of the I&S Committee, where it has considered the issue, to be clearly captured and taken into account when a decision is made.
 - Scrutiny being more central to the work of the Council and being considered by officers as well as Cabinet.
 - Regular meetings between the I&S Committee Chairs, Cabinet Member for Corporate Services & Budget, the Managing Executive Director and Executive Directors have taken place. These meetings have helped to scope the Scrutiny Work Programmes.
 - Cabinet has encouraged pre-decision Scrutiny in order that the I&S Committees can undertake important research and consultation which can help to inform key decisions made by Cabinet.

- 4.3 The Scrutiny Improvement Review report of the Centre for Governance and Scrutiny recommended that the Council:

Consider moving to a modern 'select committee' style of scrutiny, with agendas that focus on high priority issues and involve insight and evidence gathering as well as holding to account and a policy shaping functionality. There would perhaps need to be some reorganizing of committee roles to gain a better balance between committees. CfPS would be pleased to offer some suggestions on how this could be achieved. As an early suggestion for consideration Committees could recreated as;

- Policy & Finance Select Committee
- Transport & Infrastructure Select Committee
- Children, Families and Communities Select Committee
- Health and Adult Social Care Select Committee

This was incorporated in the Scrutiny Action Plan as the following action: *Review the merits of moving to a modern select committee style of scrutiny and bring back to Cabinet.*

4.4 The Scrutiny Review Steering Group has considered the benefits of moving to a select committee style of scrutiny as follows and compared them to the current enhanced member-led approach.

- Transparency
- Holding the Executive to Account
- Constructive Challenge
- Assists Cabinet by making recommendations prior to decisions
- Provides greater strength which enables the Select Committee to delve wherever it sees fit.
- Cross-Party and collaborative (accepting that political parties/groups will have different beliefs, values and mandates and may disagree on certain fundamental principles, this should be minimised in scrutiny)
- Ability to require individuals to give evidence
- Power to appoint special advisers
- Politicians not officers to be the focus of scrutiny
- Safe space for members to speak and ask questions
- Robust and challenging and not superficial/'following the party line'
- Retain an independent-minded approach

The Scrutiny Review Steering Group concluded that the powers of the national Select Committees are very similar to the Council's I&S Committees, with the exception of the power to require individuals to give evidence or appoint special advisers. It was considered that the implementation of the scrutiny review recommendations and introduction of an Executive-Scrutiny Protocol would achieve the other benefits without the introduction of a select committee style of scrutiny. The Scrutiny Steering Group was concerned that the Select Committee approach could be adversarial and may be seen as too critical or aggressive. It was therefore concluded, on balance, to continue with the current enhanced, member-led approach, to scrutiny and not move to the select committee style. Cabinet is therefore asked to consider the views of the Scrutiny Review Steering Group and decide whether to retain the current approach.

4.5 The Scrutiny Action Plan also recommended that an Executive-Scrutiny Protocol be adopted. Such a Protocol is referenced in the Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities.

The Council's Protocol is currently being developed with the Scrutiny Review Steering Group and will be presented to Cabinet at a future meeting for approval.

5. Alternative Options Considered

- 5.1 Not to support the recommendation of the Scrutiny Review Steering Group and to propose that the Council moves to a select committee style of scrutiny; however this is not recommended as it is considered the benefits of the select committee style can be achieved with the current enhanced, member-led approach.

6. Implications

- 6.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.

7. Background Papers

- 7.1 The Scrutiny Review 2020
7.2 The Scrutiny Review Report to Cabinet November 2020

8. Appendices

- 8.1 Appendix 1 - Implications.
8.2 Appendix 2 – Scrutiny Action Plan approved by Cabinet November 2020 and Council December 2020

9. Recommendations

That Cabinet:

- a) Notes the progress made in relation to the implementation of the Scrutiny Action Plan; and
b) Supports the conclusions of the Scrutiny Steering Group and agrees to maintain the current enhanced member-led approach to scrutiny rather than move to the select style of scrutiny.

10. Reasons for Recommendations

- 10.1 To ensure that the Executive is aware of progress against the Scrutiny Action Plan.

10.2 Determining the best approach for Scrutiny should secure effective and efficient outcomes which in turn, will add value to the work of the Council.

11. Is it necessary to waive the call in period?

11.1 No

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Implications

Financial

1.1 None directly arising from the report.

Legal

2.1 None directly arising from the report.

Human Resources

3.1 None directly arising from the report.

Information Technology

4.1 None directly arising from the report.

Equalities Impact

5.1 None directly arising from the report.

Corporate objectives and priorities for change

6.1 The Scrutiny Review and implementation of the Scrutiny Action Plan contribute towards the Council priorities including Enterprising Council, Thriving Communities and Vision Derbyshire. The work of the Improvement and Scrutiny Committees will ensure that major programmes are performance-managed and are on track. The Member-Led approach and greater transparency of decisions should enable greater community engagement in pre-decision work thereby contributing towards Thriving Communities and the implementation of the Scrutiny Work Programme is likely to result in a continuously improving culture where Scrutiny adds value to the work of the Council.

Other (for example, Health and Safety, Environmental Sustainability, Property and Asset Management, Risk Management and Safeguarding)

7.1 None directly arising from the report.

Action Plan

- The table below sets out the 18 recommendations:
 - 15 recommendations were identified by the Centre for Public Scrutiny (CfPS), as set out in their report entitled ‘Derbyshire County Council Scrutiny Improvement Review’, July 2020, and
 - a further three actions were identified by senior officers and the Scrutiny Steering Group.
- It is recommended that the table should be read in conjunction with the full report and recommendations. (The numbers in brackets within the table below, reflect the numbering of the recommendations within the CfPS report).
- The Action Plan has been prepared by the Scrutiny Steering Group. It will be considered by a scrutiny member workshop the Improvement and Scrutiny Committees, and the Governance, Ethics and Standards Committee.
- The final Action Plan will be presented to Cabinet and Council.

| | Recommendations | Action Plan | Implementation |
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| | Planning, Organising and Resourcing Scrutiny | | |

Appendix 2

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| 1 (8.1) | Work programme prioritisation and focus. <i>Developing a clear methodology focused on DCC's key corporate or community priorities should itself be a priority. Items on each work programme to have a clear rationale to justify their inclusion and a clear system for selection.</i> | (i) Ensure that each Improvement & Scrutiny (I&S) Committee prepares a focused Work Programme which is aligned to the Council's corporate priorities and Key Decision Document | Development of the Work Programme to commence December 2020 |
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| <p>2 (8.2)</p> | <p>Scrutiny and Cabinet needs to work more collaboratively <i>This will achieve stronger pre-decision scrutiny, allow greater influence and contribution to policy shaping and supply more high-quality recommendations. A triangulation meeting held bi-monthly could include Scrutiny Chair and Vice Chair, Cabinet Member or Leader taken in relevant rotation and Scrutiny Officers plus relevant Senior Officers. The purpose of this would be to jointly scope future areas for scrutiny to develop, but without compromising scrutiny's independence and authority.</i></p> | <p>(i) Scrutiny Chairs and Cabinet to meet regularly on an informal basis;</p> <p>(ii) Scrutiny Chairs to inform and provide brief to the relevant Cabinet Member in advance of attendance at I&S meetings; thereby ensuring that contributions are focussed, structured and value-added. Such attendance should be linked to the respective I&S Work Programmes;</p> <p>(iii) Hold triangulation meetings at least, quarterly and invite:</p> <ul style="list-style-type: none"> • Scrutiny Chair • Vice Chair • Cabinet Member and or The Leader <p>Supported by:</p> <ul style="list-style-type: none"> • CMT Chair • Monitoring Officer • Statutory Scrutiny Officer <p>(iv) Develop a Pre-Decision Scrutiny approach. Commenced with the Scrutiny review of residential care homes</p> | <p>Commence September 2020 and continue on a regular basis</p> <p>Commence October 2020</p> <p>From December 2020</p> <p>Commenced and ongoing</p> |
| <p>3 (8.3)</p> | <p>Ensure reference of scrutiny in all Cabinet papers <i>Establish a routine that embeds scrutiny in all papers presented to cabinet to show how and where scrutiny has been included in the journey of the plan, policy or decision.</i></p> | <p>(i)The current report template to include reference to scrutiny within the body of reports, where appropriate.</p> | <p>From December 2020</p> |
| <p>4</p> | <p>Consider bringing Cabinet public accountability and</p> | <p>(i)Scrutiny to consider this approach, taking into account the need to balance the two-fold role</p> | <p>June 2021</p> |

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| (8.4) | <p>transparency into more focus at scrutiny committees <i>Cabinet Members or the Leader (if appropriate) could be the main focus of scrutiny questioning and accountability sessions. This could take on a more parliamentary select committee approach.</i></p> | <p>of Improvement and Scrutiny Committees to both support policy development (overview) and to hold Cabinet members to account (scrutiny).</p> <p>(ii) To ensure that I&S Committee request for Cabinet member attendance sets out purpose and scope to enable a productive session with clear, planned outcomes.</p> | |
| 5 (8.5) | <p>Reduce the reliance on officer presentations and cabinet reports. <i>Scrutiny should set its objective for each subject to be considered and material presented or verbally reported</i></p> | <p>(i) Each I&S Committee to agree a Work Programme with an emphasis upon I&S Committees being highly proactive and Member-led. Set objectives for each subject to be considered;</p> <p>(ii) Officer attendance at Committee to be focused on support to Scrutiny members through the provision of technical and/or professional advice and information.</p> | November 2020 |
| 6 (8.6) | <p>Establish a practice of core knowledge briefings <i>To allow Members to gain essential background, facts and core knowledge on the more involved and complex issues that are considered by scrutiny.</i></p> | <p>(i) Executive Directors, Directors to work with Cabinet and Scrutiny Chairs to develop a programme of Core Knowledge Briefings linked to the Scrutiny Work Programmes and update on a rolling basis</p> | Commence December 2020, ongoing |
| 7 (8.7) | <p>Extend video conferencing <i>There are new opportunities to use VC resources to:</i></p> | <p>(i) Scrutiny Committee Meetings held electronically during COVID-19;</p> <p>(ii) I & S Chairs and Vice Chairs to hold pre-Agenda meetings to set agendas and arrange</p> | Commenced and will continue, where appropriate |

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| | <p><i>-Hold pre-Agenda meetings to set agendas and arrange meeting requirements etc .</i></p> <p><i>-Committee pre-meeting to agree objectives and set themes or questioning plans</i></p> <p><i>-Hold core knowledge briefing sessions</i></p> <p><i>-Invite external witnesses via video conference links to join scrutiny meetings</i></p> | <p>meeting requirements with support from lead senior officer and scrutiny officer.</p> <p>(iii) I&S Chairs and Vice-Chairs to attend Committee pre-meetings in order to agree objectives and set themes or questioning plans;</p> <p>(iv) Core knowledge briefing sessions to be available electronically;</p> <p>(v) Invite external witnesses via video conference links to join I&S meetings;</p> <p>(vi) Hold hybrid meetings in order to maximise accessibility ie some people in a Committee Room and others may join via a video link</p> | |
| 8 (8.8) | <p>Adopt a Member and Officer scrutiny development and skills programme. <i>This will support greater understanding of the role of scrutiny and improve its effectiveness.</i></p> <p>Ensure personal development is ongoing and that DCC learns from other local authorities</p> | <p>(i) Member Development Programme in place (and supported by Member Development Strategy, recently approved by Council);</p> <p>(ii) Continuously identify training needs and agree how those needs may be met;</p> <p>(iii) Officers, Scrutiny Chairs and the Cabinet Member to have the opportunity to attend the East Midlands Councils Scrutiny Meetings</p> <p>(iv) To have the opportunity to attend LGA and CfPS events and workshops</p> | <p>Programme in place.</p> <p>Ongoing</p> <p>July 2021</p> <p>Ongoing</p> |
| 9 | Officer support | (i) Review the officer support resource available to scrutiny. | December 2020 |

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| (8.9) | <p><i>Consider reviewing the officer support resource available to scrutiny to find ways to increase the capacity and skills available.</i></p> | <p>(ii) The following senior officers to support the Scrutiny Steering Group and I&S Committees:</p> <ul style="list-style-type: none"> • CMT rotating Chair, • Monitoring Officer, • Statutory Scrutiny Officer • Members' Support Officer | <p>November 2020</p> |
| <p>10 (8.10)</p> | <p>Adopt a protocol <i>This would outline how scrutiny, cabinet and officers would work together to ensure each part works collaboratively and ensure council wide ownership and support for the success of scrutiny.</i></p> | <p>(i) Review the existing Scrutiny officer and Member protocol</p> <p>Develop it further to outline how scrutiny, cabinet and officers can ensure collaborative working, council-wide ownership and support for the success of scrutiny.</p> <ul style="list-style-type: none"> - Prepare the collaborative draft protocol; - Report to I&S Committees; Cabinet and Council; <p>Add the approved document to the Council's Constitution</p> <p>(ii) Review the protocol annually</p> | <p>March 2021</p> |
| | <p>Structures and Settings</p> | | |
| <p>11 (8.11)</p> | <p>Recreate Improvement and Scrutiny Committees. <i>Consider moving to a modern 'select committee' style of scrutiny, with agendas</i></p> | <p>(i) Review the merits of moving to a modern select committee style of scrutiny and bring back to Cabinet</p> | <p>September 2021</p> |

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| | <p><i>that focus on high priority issues and involve insight and evidence gathering as well as holding to account and a policy shaping functionality. There would perhaps need to be some reorganizing of committee roles to gain a better balance between committees. CfPS would be pleased to offer some suggestions on how this could be achieved. As an early suggestion for consideration Committees could recreated as:</i></p> <ul style="list-style-type: none"> - <u>Policy & Finance Select Committee</u> - <u>Transport & Infrastructure Select Committee</u> - <u>Children, Families and Communities Select Committee</u> - <u>Health and Adult Social Care Select Committee</u> | | |
| <p>12 (8.12)</p> | <p>Establish a scrutiny Co-ordination Group <i>This would comprise Chairs and Vice Chairs of each committee and Chaired by the Chair of Resources (P&FSC). The purpose would be to discuss alignment of</i></p> | <p>(i) Scrutiny Steering Group to continue and to include:</p> <ul style="list-style-type: none"> - I&S Chairs; - I&S Vice Chairs - Cabinet Member <p>To be supported by the rotating CMT Chair, the Monitoring Officer, Statutory Scrutiny Officer and Member Support Officer;</p> | <p>Established and ongoing</p> <p>From November 2020</p> |

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| | <p><i>work programmes and where possible to achieve a joined-up approach to scrutiny of council policies, priorities and delivery plans.</i></p> | <p>(ii) Scrutiny Officers to schedule quarterly meetings with the relevant Executive Director, key Directors and Cabinet Member.</p> <p>(iii) The Scrutiny Steering Group should liaise with the Cabinet Member in the first instance, and regularly report to Cabinet thereby ensuring a completely joined up approach</p> | <p>Commence December 2021</p> |
| <p>13 (8.13)</p> | <p>Consider further use of task and finish and other ‘set piece’ scrutiny techniques <i>Focused events or enquiry days can highlight major areas of policy development or community concern.</i></p> | <p>(i) Align this consideration to the Scrutiny Work Programmes and tailor the relevant methodology for each piece of work</p> | <p>Ongoing</p> |
| <p>14 (8.14)</p> | <p>Allow experts/advisors on all scrutiny committees <i>Consider inviting external advisors to sit as observer status non-voting members of committees to provide additional insight and expertise to the committee. They could be set period appointments or invited to a one-off relevant meeting. Payment or reimbursement may encourage candidates. Some selection may be necessary, and terms of reference made clear.</i></p> | <p>(i) The I&S Committees to consider inviting experts and advisors for specific topics. Such experts/advisors are likely to attend a particular meeting or for a specific period to aid exploration of a specific topic, as expert advisors.</p> | <p>February 2020</p> |

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| 15 (8.15) | <p>Member workshop <i>We recommend that a Member workshop is held to consider the findings of this review and to engage in ideas for change and improvement.</i></p> | Workshop Scheduled and stakeholders invited | 12 October, 11am-1pm |
| 16 | <p>Additional Actions not Included within the Report Recommendations</p> | | |
| 16.1 | <p>Review the relationship and interface between the Audit; Governance Ethics and Standards Committees and Improvement and Scrutiny Committees. Ensure that these Committees have a clear focus, avoid any potential overlap or duplication and consider matters of mutual importance and refer key issues to the relevant committee for further action, where necessary.</p> | <ul style="list-style-type: none"> (i) Initial meeting between the 6 Chairmen, supported by their respective senior officers; (ii) Thereafter, quarterly meetings | February 2021 |
| 16.2 | <p>Map and identify the financial and human resource implications of the review to ensure that the recommendations are adequately identified, costed and prioritised.</p> | <ul style="list-style-type: none"> (i) The Scrutiny Steering Group to lead this work, supported by the Monitoring Officer and Statutory Scrutiny Officer; (ii) This work to feed into the budget planning process; and any recommendations to be considered by Cabinet and ultimately by Council (iii) The Statutory Scrutiny Officer and Monitoring Officer to ensure | Timeline to align with the annual budget -setting process |

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| | | close liaison with the Council's S.151 Officer and HR professionals | |
| 16.3 | The Statutory Scrutiny Officer Role | Review how the role of the Statutory Scrutiny Officer is discharged. | September 2021 |