

DERBYSHIRE COUNTY COUNCIL

THE PEOPLE IMPROVEMENT & SCRUTINY COMMITTEE

4 November 2020

Report of the Executive Director - Commissioning, Communities and Policy

THE SCRUTINY REVIEW

1 Purpose of the Report

To inform the People Improvement and Scrutiny Committee of the Scrutiny Review findings, the workshop report and the proposed actions.

2 Information and Analysis

The Scrutiny Review commenced in 2019 at the request of Cabinet and Chairs of Scrutiny and a workshop was held for the Chairs and Vice Chairs of the four Improvement and Scrutiny Committees. A lack of officer capacity prevented the review from being progressed further at that time, and, to resolve this, a Programme Director was appointed in March 2020 to progress a range of projects, including the scrutiny review.

It was determined that the Centre for Public Scrutiny (CfPS) were to be commissioned to undertake the review, bringing independence, a substantial experience of scrutiny from across the country and a ready-made scrutiny review methodology. As part of the review process the CfPS undertook two member surveys: one designed for completion by members of Cabinet and members of Improvement and Scrutiny Committees and the other designed for all remaining members. CfPS also carried out a series of one to one meetings and discussion groups with:

- The Leader of the Council;
- Improvement and Scrutiny Chairs and Vice Chairs;
- Improvement and Scrutiny Members by political group;
- Cabinet Members;
- Opposition Leaders;
- Executive Directors;

- A sample of Directors;
- A sample of partners and past Improvement and Scrutiny witnesses;
- The Statutory Scrutiny Officer and the two Improvement and Scrutiny Officers

A Scrutiny Review Steering Group was established to lead the review. The Steering Group comprises the Improvement and Scrutiny Chairs and the Cabinet Member for Corporate Services. It is supported by the Executive Director, Commissioning, Communities and Policy and the Programme Director.

Cabinet considered the Scrutiny Review findings and proposed actions at their meeting on the 8th October 2020 and approved the Scrutiny Review Report, including recommendations and draft action plan, for consideration at a scrutiny member workshop and by the four Improvement and Scrutiny Committees (special combined I&S meeting on the 3rd November and the People I&S Committee on the 4th November) and Governance, Ethics and Standards Committee (22nd October). Cabinet noted that this review commences a programme of continuous review and development of scrutiny at Derbyshire County Council.

The Scrutiny workshop took place on the 12th October 2020. Four Member Break Out Groups, supported by CMT and Democratic and Scrutiny Services Officers considered the Scrutiny Review findings, Action Plan and the following three questions:

- What are the key findings of the review that you believe are the top priorities?
- What are the opportunities and risks to effective implementation of the action plan?
- What does success look like in 12 months' time?
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The workshop report is attached (Appendix 3).

The final Scrutiny Review report, action plan and the consultation feedback will be considered by Cabinet on 19th November for approval and recommendation to Council on 2nd December 2020.

Fifteen recommendations were identified by the Centre for Public Scrutiny (CfPS), as set out in their report: Derbyshire County Council Scrutiny Improvement Review, July 2020, (Appendix 1) and a further three actions were identified by senior officers and the Scrutiny Steering Group.

The Scrutiny Steering Group have prepared a draft Action Plan (Appendix 2) in response to the recommendations. For ease of reference, the CfPS recommendations appear as sections 1-15 and the additional recommendations can be found in section 16 of the Action Plan.

3 Key Considerations

Overview and Scrutiny was first introduced to local government in England as part of the Local Government Act 2000. This review has identified systems, practices and approaches that were developed as part of the original implementation in Derbyshire and have, in many respects, been largely unchanged over that period.

As a result, the recommendations 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.

The draft Action Plan proposes that Cabinet and senior officers work more collaboratively with Scrutiny, to improve the integration of Improvement and Scrutiny into the functioning of the council. This collaborative approach has already started, for example, the Cabinet Member for Corporate Services has been working alongside the Improvement and Scrutiny Chairs throughout this review. The four Improvement and Scrutiny Chairs and the Cabinet Member for Corporate Services formed the Scrutiny Review Steering Group.

In addition, the findings from the review include the need to ensure that Improvement and Scrutiny's use of the corporate Key Decisions Document is more readily facilitated. This would enable the Improvement and Scrutiny Committees to develop meaningful and focused work programmes which in turn will add value to the work of the Council.

It is proposed that this review initiates a programme of continuous improvement for the operation of scrutiny within Derbyshire. It is recognised that the outcomes of the review are comprehensive, and a key aim is to deliver cultural change as well as practical changes to the scrutiny function. Therefore, the development of the scrutiny approach will take place over the medium and long term, as well as the short term and it is anticipated that once initial actions have been completed, further areas for future development will be identified and progressed.

4. Background Papers

Files held by the Executive Director of Commissioning, Communities and Policy.

5. Legal Considerations

The Scrutiny function is carried out in accordance with the Local Government Act 2000.

6. Officers Recommendation

It is recommended that the People Improvement and Scrutiny Committee:

- (1) Considers the Scrutiny Review Report, including recommendations, draft action plan and workshop report;
- (2) Note that this review commences a programme of continuous review and development of scrutiny at Derbyshire County Council.



Derbyshire County Council
Scrutiny Improvement Review



Draft Report

July 2020

Review of Scrutiny

Introduction

Derbyshire County Council believes that the essential role of scrutiny is to help to shape policy, actively support good decision-making and hold the Cabinet to account. To do this effectively the council recognises that its scrutiny function and Members need a clear and shared understanding of the role, purpose and objectives of scrutiny, and to engage constructively in its work.

The context of this review covers the evolution of the scrutiny function over a number of decades; as past practice and experience has helped to shape the current position. The Chairmen of the Improvement and Scrutiny Committees requested that this review take place in order to ensure continuous improvement.

Members are clear that scrutiny needs to be strong on prioritisation, develop strategic work programming and engage in evidence-based, objective enquiry. It must have a measurable impact on policy, service delivery and Cabinet decision making.

Scrutiny has been consistently supported and resourced by the authority but has not been evaluated externally for some time. Like many authorities, DCC has taken a conscious decision to reflect and review its scrutiny process to build on existing good practice.

DCC has set itself some bold corporate objectives to secure efficient, effective and value for money services, and a sturdy financial base through an ambitious 'enterprising council' strategy and careful management of its budget, including achieving a significant reduction in its costs. It also intends to support its local economy and small local businesses, through a range of growth and investment initiatives. It has set clear goals to support and empower communities to be more resilient and self-sufficient together with a robust strategy to support families through greater focus on prevention and early intervention. It has also set challenging objectives to revise and improve its adult and children's social care offer.

The council plan therefore presents considerable challenges in its implementation and delivery. Importantly it will also place a significant responsibility upon its scrutiny function to ensure that council plan and the associated strategy and targets, together with key-decisions, changes and initiatives are robustly and objectively scrutinised.

The Centre for Public Scrutiny (CfPS) was invited to undertake a Scrutiny Improvement Review and identified some principal areas of focus for evaluation. These have been considered using CfPS's Scrutiny Improvement Review (SIR) method.

The CfPS SIR method aligns with both latest statutory guidance and best practice experience accumulated by CfPS over many years. This review also takes into account the latest government (MHCLG) guidance on Overview and Scrutiny in Local Authorities (May 2019) and the latest Good Scrutiny Guide (published by the Centre for Public Scrutiny – July 2019).

The Centre for Public Scrutiny

CfPS is the leading national body promoting and supporting excellence in governance and scrutiny. Its work has a strong track record of influencing policy and practice nationally and locally. CfPS is respected and trusted across the public sector to provide independent and impartial advice.

CfPS is an independent national charity founded by the Local Government Association (LGA), Local Government Information Unit (LGIU) and Chartered Institute of Public Finance Accountants (CIPFA). Its governance board is chaired by Lord Bob Kerslake.

Review outline

To conduct a review of the Council's scrutiny arrangements.

The Council wishes to explore what it can do to further strengthen the quality of its scrutiny arrangements and develop them in light of challenges and opportunities ahead.

Scope

- **Culture.** The mindset and mentality underpinning the operation of the overview and scrutiny process. This will involve a focus on the Council's corporate approach to scrutiny and how this has been shaped over a number of decades
- **Information.** How information is prepared, shared, accessed and used in the service of the scrutiny function.
- **Impact.** Ways to ensure that scrutiny is effective, that it makes a tangible and positive difference to the effectiveness of the council, and to local people.

Further to discussion with Members and officers, the following broad areas of focus were identified, which are explored by way of the Scrutiny Improvement Review method:

- Prioritisation, timeliness and focus of the work programme (informed by a clear, well-articulated role for scrutiny overall).
- The current scrutiny committee structure. Considered on the basis of scrutiny focus, members' needs and expectations, and whether other structures and formats might be more appropriate for carrying out scrutiny work.

Evidence sourcing

The following elements are used as a framework for further discussion on those issues and areas most important to the Council.

1. Organisational commitment and clarity of purpose
2. Members leading and fostering good relationships
3. Prioritising work and using evidence well
4. Having an impact

These four elements were used to ensure that all key aspects of DCC's scrutiny activity are evaluated and mapped against the DCC-specific areas of focus identified above.

Evidence gathering consisted of:

- **Desktop work.** A check of the Council's constitution and rules of procedure insofar as they relate to scrutiny, recent work plans, scrutiny scopes and review reports. This will provide an evidence base for the rest of the work;
- **Interviews.** Including the Leader of the Council, leading Members in scrutiny (Chairs, Vice Chair, Opposition Group Leader, Cabinet Members, other scrutiny Members, Senior Corporate Officers, Statutory Scrutiny Officer, and Improvement and Scrutiny Officers.
- **Discussions** with witnesses and representatives from partner organisations.
- **Observation.** An Improvement & Scrutiny Committee.
- **Member surveys.**

Summary of findings

1. Overall assessment:

- 1.1 Overall the Council has a strong ongoing commitment to scrutiny in terms of the level of activity undertaken, and time and resource dedicated across the organisation. Scrutiny's role as part of the democratic decision-making process is respected and valued in the Council and political leaders and Cabinet Members are very supportive.
- 1.2 There is a clear realisation and commitment from Members and Officers that scrutiny could be more effective and productive. Everyone interviewed welcomed the opportunity to make changes and improvements. Members, Scrutiny Chairs, Political Group Leaders, and Executive Directors also support the need for change - to enable scrutiny to improve.
- 1.3 Although elements of how scrutiny works may need updating and could be seen as traditional, its Member engagement, resources, council support and ambition provide a strong platform upon which scrutiny could successfully develop.
- 1.4 The majority of those interviewed believed that scrutiny can play a greater role in the way democratic decisions are made. The scrutiny function is currently underused and has potential to offer and provide more. To support the council in its ambitious future plans there is a real need to expose political decision-making to more open, robust and quality scrutiny which would help to shape and improve outcomes and strengthen confidence in governance arrangements.
- 1.5 Members expressed a genuine interest in scrutiny but felt that its focus and work was having less impact than they would like and, at times, lacked sufficient focus on strategic issues. Scrutiny Members overall have an appetite to achieve more and recognise the value of involving frontline councillors in actively shaping and improving policy development.
- 1.6 To achieve the improvements which are clearly desired by the council there are some barriers and practices that may need to be addressed together with commitment to invest in Member development.
- 1.7 Scrutiny does make every effort to be strategic and focus on the areas of importance, although in practice it sometimes falls short of this ambition. Scrutiny can very often become a conversation' or an information exchange or become too operational and council performance focused.
- 1.8 There are missed opportunities for scrutiny to add value and to be an integral part of the Council's corporate plans and overall improvement. This may not be for the want of trying, but for scrutiny to be more strategic, there needs to be change in approach by both scrutiny and the Cabinet, to draw closer together to create a purposeful role and agenda. To achieve the stated desire of giving scrutiny a greater role in shaping policy, constructively challenging and holding to account, there will need to be support from across the Council. Early access to information and the ability to operate as an integral part of policy and decision-making activities of the Cabinet could make a real difference to the value and impact of scrutiny.
- 1.9 The Leader and Cabinet members attend scrutiny meetings as contributors but are often not sufficiently held to account and constructively challenged. Cabinet members and the

Leader expressed support for a more challenging style of accountable scrutiny. This could be readily achieved with more planning and engagement.

1.10 The Scrutiny Chairs and committee members value the support provided by the Scrutiny Team and Governance Services in assisting Members in developing work programmes, managing agendas and liaising with Council departments and external partners to generate reports, evidence and information. This is recognised and widely appreciated internally and externally.

1.11 There is potential to review whether the level of officer resource available to support scrutiny is sufficient. Whilst the dedicated resource is valued, the team is small and would benefit from additional capacity particularly in terms of research and policy support. The team also currently needs to work hard to bring scrutiny to the attention of officers, a wider ownership for the success of scrutiny within the senior and wider leadership team would be beneficial.

There is also a need to adopt a Member and Officer scrutiny development and skills programme. This will support greater understanding of the role of scrutiny and improve its effectiveness. (See recommendation 8.9)

2. Members, meetings and agendas:

- 2.1 Members engage in scrutiny and understand that it plays an important role. However, there is inconsistency when Members describe the role of scrutiny and its purpose and can sometimes lose sight of the key objectives of scrutiny to hold decision-makers to account, to shape policy and to drive improvement.
- 2.2 Members have suggested that further training will enhance a greater understanding of the role of scrutiny and improve its effectiveness. (See recommendation 8.9: The adoption of a Member and Officer scrutiny development and skills programme.)
- 2.3 Overall, most members work hard to ask useful and enquiring questions, but scrutiny meetings can often tend to favour detail over strategy and may overlook the bigger picture. Some Members can tend to prefer to ask information-gathering questions, rather than questions which explore and challenge issues. Greater emphasis could be given to improving and shaping policies and decision through enquiry and constructive challenge.
- 2.4 The council operates four Improvement and Scrutiny Committees. Each has their own terms of reference and a clear scope which details each committees' responsibilities.
- 2.5 The I&S Resources Committee held on 4th June was observed via recording. As an on-line meeting and the first held via a video conference facility, it was unlikely to be typical. The meeting was skillfully chaired and overall, it ran smoothly and efficiently. There were three substantive subjects on the agenda, which allowed time to give adequate attention to each one. The main item was a status report by the Council Leader on the Covid-19 crisis and the council's response and recovery plans. This was clearly a subject of high importance, as such it presented a crucial opportunity to explore the council's role and responsibility in the crisis and therefore likely to involve a fairly lengthy and detailed response and enquiry from the committee. However, there were only a few question or requests for information and the questioning session was therefore relatively short. Members might consider how they could better organise and plan questioning strategies that ensure more robust holding to account and rigorous enquiry for similar high-level issues.

Other topics covered by the committee at this meeting centred on officer presentations. Similarly, there were some more general questions or comments but minimal constructive challenge that might lead to improving or shaping. There was one Cabinet Member (Cllr King - in addition to the Leader) present, and although he was able to comment on an item relevant to his portfolio, he was not required to take questions from the committee. Members could consider how Cabinet Members could be incorporated into their meetings, held to account and take questions on the underlying policy or strategy for which they are politically responsible.

- 2.6 The Health Improvement and Scrutiny Committee has a strong external focus and good relations with health partners, as reflected in regular senior attendance and engagement. External partners talked positively about their experience of attending scrutiny, particularly with the recent focus on finances, and good officer relations. The Committee was seen as being fair in its approach in considering proposed changes to services. However, they could benefit further from a more strategic approach to work programming, measuring impact and outcomes. Member training and support in this highly complex area may also be welcomed.
- 2.7 Other I&S Committee agendas and minutes have been reviewed. From our conversations with Members and Officers, there is a pattern of meetings being largely officer presentations, with Cabinet Members often present but not integrated into the

session as the accountable person. Members could refresh this practice and consider the Cabinet Member as the focal point of scrutiny sessions with Officer support.

- 2.8 Committees might also consider ways to give more time to planning and organising scrutiny meetings, to set objectives, develop appropriate lines of enquiry, set a questioning strategy and decide who they would require to appear at the meeting. This would introduce a more 'Select Committee' style of scrutiny and elevate its status and impact, to produce high quality outcomes such as convincing recommendations or compelling improvements.
- 2.9 Reports presented to committees tend to be dominated by up-dates and progress reports. Many reports simply ask the committee to 'note' the report which may lead to Members simply commenting on its content or seeking clarification. Scrutiny may need to check its purpose and objective in receiving 'for information or update' reports, where there might be limited scope for it to add value or influence improvement. Such reports can often be reviewed by scrutiny outside of committee. Our observations suggest that scrutiny could more clearly set out its objectives on specific agenda items, which would assist committees to construct key lines of enquiry and develop outcomes that may add more value.
- 2.10 Whilst most Members take the opportunity to speak at committee, the engagement and contribution is varied with often just a few members ask most of the more useful questions. Members may benefit from more training and experience in the area of questioning techniques.
- 2.11 There is good cross-party working and little evidence of political management activity. Generally, Scrutiny Committee Members get along and co-operate with each other. Member behaviour is cordial and respectful. The independence of scrutiny and of political groups is maintained and respected
- 2.12 Whilst trying to encourage public engagement is difficult, exploring and experimenting with ways to allow greater access, openness and involvement could include:
- Simple video recording via website
 - Community listening panels
 - Invite public to offer ideas for work programmes
 - Greater use of social media channels

3. Structure and work programming:

- 3.1 Committee work programmes exist for committees, except Health. There is also on-going work to increase Member involvement in constructing these and there has been some senior officer time spent in supporting Members with this process. Historically, work programmes have largely been assembled by scrutiny officers with Members approving or amending suggested plans. It is therefore pleasing to note that Members, led by committee chairs intend to switch the emphasis of work planning to be Member-led and take a more strategic approach to focus on key priorities.

Members might consider developing a methodology for their work programme selection and prioritisation, given that the sources to choose from (including Council Plan, MTFs, Delivery Plans, Cabinet forward plan/key decisions etc) provide an extensive menu of options. The need to rationalise selection could be helped by a simple scoring or prioritisation process.

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- 3.2 Work programmes are therefore currently under-developed, partly due to the current Covid-19 restrictions, but in part also due to the short timescales which work programmes are set - typically a few months. Committees may benefit from looking at a longer work-programme timeframe which would enable scrutiny to be planned more effectively. Work programmes could be regularly refreshed to ensure they remain relevant.
- 3.3 I&S Committees do recognise the need to be focused on strategic matters, but this may become hindered at times by the lack of early access to the Cabinet forward plan and scrutiny not involved in earlier stages of the policy development and decision-making process. This lack of early visibility can therefore mean that Scrutiny is not provided with a sufficient timeframe for effective pre-decision scrutiny. The committees therefore use some of their energy examining operational performance and detail rather than inputting in future ideas and delivery.
- 3.4 Work programming therefore needs to identify the big, high impact subjects in the council's corporate plan, the key decision document and other strategic documents and to integrate these into the work programme of each I&S Committee. Scrutiny should be able to engage earlier and be supported in this task. Working across the four committees a join-up scrutiny and work programming structure would allow all parts of the council's priorities to receive quality scrutiny.
- 3.5 There is a real intent to engage in pre-decision scrutiny and committees are often presented with Cabinet reports to scrutinise. However, this may not be where scrutiny can offer maximum value. As outlined above, for scrutiny to offer greater impact and value and to help shape or constructively challenge Cabinet proposals, the work of pre-decision scrutiny needs to operate more up-stream as things are forming rather than at the point when decisions are imminent. Pre-decision scrutiny is a key function of scrutiny and it is an area that could be developed further. The Committee Chairs do want to bring scrutiny into play earlier and have more impact in pre-decision activity. For this to work effectively Scrutiny will need greater co-operation and a whole council commitment to integrating scrutiny in the decision and policy forming process. This may mean that Scrutiny, by agreement with Cabinet, has access to forward decisions, possibly months before final Cabinet approval. Scrutiny will then be able to make the bigger, positive and constructive contribution that everyone seeks and strives for.
- 3.6 Committee Chairs endeavour to maintain good relations and communications with Cabinet counterparts. This is a positive and essential part of ensuring that scrutiny is properly sighted on important issues. Chairs would like to build on this and have more structured communications that would encourage greater collaboration. In addition to regular informal conversations, this could be strengthened and enhanced through timetabled individual committee quarterly triangulation sessions. These could involve the scrutiny Chair and Vice Chair of each I&S Committee, together with scrutiny Officers and appropriate Senior Officers and the Cabinet Member(s) relevant to each committee, to discuss the next quarter of council business and key deliverables. This could, through a discussion and negotiation, form part of the basis for future scrutiny work planning and scheduling.
- 3.7 Scrutiny of the council budget and medium-term financial plan can take up a significant amount of scrutiny capacity. Members recognise that scrutiny input into the process of budget construction is essential if the Council's resourcing plans and long-term financial viability are to be constructively challenged in an open and transparent way. Members will be aware of the serious financial challenge that all Councils, including Derbyshire,

face. There are several recent examples from other councils where a scrutiny deficiency in this area contributed to serious consequences. Our observation in DCC was that financial scrutiny tends to be geared towards monitoring with less input into future financial planning. Scrutiny might consider being more directly involved in the planning of the future budget and MTFs and to start this at an early phase. In many councils this process of scrutiny can span September-January. As most councils will also be reviewing their current budget due to the financial impact of the current crisis, scrutiny may also want to explore how it could have a positive contribution to that process also.

- 3.8 Task and Finish (T&F) groups seem to be used effectively. There appears to be support from Members to use this option to focus on helping to shape policy or exploring issues of community concern where the council or its partners may need to respond. These T&F assignments or similar focused 'project scrutiny' can, if used well, build more versatility and agility for scrutiny. However as these can be very demanding on officer time and resources, committees might consider limiting the number running consecutively and having a finite number per year. Whilst each T&F does currently have a detailed scope, timeframe and objective we would also suggest that where possible they are designed as collaborative ventures with input from relevant Cabinet Members at an early stage of scoping. This may further increase the value and benefit T&F already provide.
- 3.9 Some councils also use single episode events to dig deeper and wider into suitable issues. These include Inquiry days or focus events, where all of the stakeholders appear to provide evidence and insight and to help shape options or solutions.

4. Support and resources:

- 4.1 There is a small, experienced team of Officers who support scrutiny. They are proactively engaged in advising Chairs and Members on their roles and in developing scrutiny activity. Members told us that they do feel in control of their own work programmes and agendas.
- 4.2 There is potential to review whether the level of officer resource available to support scrutiny is sufficient. Whilst the dedicated resource is valued, the team is small and may benefit from additional capacity particularly in terms of research and policy support. The team also currently needs to work hard to bring scrutiny to the attention of officers, a wider ownership for the success of scrutiny within the senior and wider leadership team would be beneficial.
- 4.3 It is possible that Members could also play a greater role in how scrutiny operates and is resourced. Members could be more central in the preparing of programmes, projects and agendas, or researching issues and helping each other to be well-prepared and informed. It might be worth exploring how simple currently available technology such as closed social media groups, conference and video calling, and the use of shared file systems could give members more capacity to share, discuss and plan their scrutiny activities.
- 4.4 The council's website has useful content on scrutiny, which is relatively easy to access and has helpful guidance. The site is up-to-date and offers a good public oversight of scrutiny activity.

5. Relationships, behaviours and culture:

- 5.1 It is evident from our research, that a deep-rooted culture dating back some decades, exists in respect of the organisation's view and approach towards scrutiny.
- 5.2 The role of scrutiny in 'holding to account' is not used consistently, although there are some signs that this is recognised, and efforts have been made to improve. However, our observation and interview evidence would suggest that political accountability could be made stronger and be a more constant feature in committee meetings. Often there seems to be a preference to challenge and hold officers to account rather than political decision makers. The principle of scrutiny's duty to hold the Leader and Cabinet Members to account, could be refreshed and strengthened. The council may also choose to strengthen the Cabinet accountability sessions to allow scrutiny to examine the work programme of individual Cabinet Members and assess progress against plans.
- 5.3 Cabinet Members frequently attend Scrutiny, but their role in attending is sometimes unclear. They often introduce reports and make useful comments during the discussion. However, there is no obvious democratic accountability for decisions, performance, delivery and policy. The Leader and Cabinet are very supportive of scrutiny and recognise its value. They also actively support a more central role in being held to account, supported by their officers for technical advice. The experience from elsewhere is that when Cabinet Members attend and are the focus of the questioning, a more strategic exchange takes place and better recommendations, or advice is achieved.

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- 5.4 Relationships between political groups are generally co-operative in the context of scrutiny. Clearly there are differences in policy and approach, but all Members appear to work towards a similar goal in committee.
 - 5.5 Member surveys were undertaken. One asked for the views and opinions of scrutiny committee Members and Cabinet Members and a similar survey was issued to Members who did not currently sit on a scrutiny committee. The results of these surveys are summarised in Appendix A

6. Development, skills gaps:

- 6.1 DCC is fortunate to have a good pool of talent and experience among its Members. Many councillors have relevant backgrounds and experience who bring a very useful set of skills to many areas of the council. Good practice also suggests that Members' interests, experience and background knowledge can also be useful in allocating a spread of skills to committees.
- 6.2 Training and development were raised by some Members, who were clearly aware of the gaps in their knowledge and understanding. There is also a number of relatively new councillors with limited experience of local government scrutiny, particularly in large complex councils like DCC, who would benefit from further training and development.

7. Contribution, performance and value-adding:

- 7.1 Scrutiny impact is a key issue. A high volume of scrutiny activity does not necessarily deliver corresponding quality outcomes.
- 7.2 While scrutiny has made some positive progress and there are examples of good practice, and positive results, it could have even greater impact and make a significant difference within the council. This ambition and desire should be shared as a council-wide issue and be addressed by ensuring that scrutiny has the support, parity, access to timely information and early engagement to allow it to operate in a more strategic way.
- 7.3 Scrutiny and Cabinet could collaborate further. Scrutiny needs to provide a regular source of quality recommendations to Cabinet, and Cabinet needs to provide clear feedback so that scrutiny's effectiveness and contribution can be tracked.
- 7.4 Scrutiny at DCC can overburden itself with too much activity and agendas focused on 'for information' reports. Doing less, but doing it really well, is worth considering. Asking the question; 'what value can scrutiny add to this' is also a useful test. Scrutiny's output must aim to shape and improve policy and decision-making as well as transparently testing the suitability of decisions being considered by Cabinet in the future.
- 7.5 Further consideration of pre-scrutiny activity would be useful as this has a crucial role in shaping, improving and influencing future Council plans. Pre-scrutiny of Cabinet decisions, through selective scrutiny of Cabinet forward programmes and the Council plan could add significant impact. This would require a change in practice by enabling earlier access to information.
- 7.6 From our observations and evidence gathering the I&S Committees may benefit from ensuring greater clarity about what it is trying to achieve or what impact they are aiming to make. Similarly, the process for deciding what is important to scrutinise and what is not, is sometimes unclear. Scrutiny cannot examine everything, nor is it necessary to do so, therefore establishing realistic priorities based on clear objectives is essential. It is therefore necessary to 'let go' of too much operational scrutiny and focus resource on strategy and policy.

8. Recommendations:

These recommendations are for discussion. They are presented for consideration as potential areas of improvement, with further assistance and planning.

Planning, organizing and resourcing scrutiny

- 8.1 **Work programme prioritisation and focus.** 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.
- 8.2 **Scrutiny and Cabinet needs to work more collaboratively.** 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 regularly 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.
- 8.3 **Ensure scrutiny inclusion in Cabinet papers.** 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.
- 8.4 **Consider bringing Cabinet public accountability and transparency into more focus at scrutiny committees.** Cabinet Members or the Leader (if appropriate) could be the main focus of scrutiny questioning and accountability sessions. A more parliamentary select committee approach could be considered.
- 8.5 **Reduce the reliance on officer presentations and cabinet reports.** Instead, scrutiny should set its objective for each subject to be considered and material presented or verbally reported by Cabinet members, with officer assistance.
- 8.6 **Establish a practice of core knowledge briefings.** To allow Members to gain essential background, facts and core knowledge on the more involved and complex issues that are considered by scrutiny.
- 8.7 **Extend video conferencing.** There are new opportunities to use VC resources to;
 - Hold pre-Agenda meetings to set agendas and arrange meeting requirements etc
 - Committee pre-meeting to agree objectives and set themes or questioning plans
 - Hold core knowledge briefing sessions
 - Invite external witnesses via video conference links to join scrutiny meetings
- 8.8 **Adopt a Member and Officer scrutiny development and skills programme.** This will support greater understanding of the role of scrutiny and improve its effectiveness.
- 8.9 **Officer support.** Consider reviewing the officer support resource available to scrutiny to find ways to increase the capacity and skills available.
- 8.10 **Adopt a protocol.** 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.

Structures and settings

- 8.11 **Recreate Improvement and Scrutiny Committees. 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 be recreated as;
- Policy & Finance Select Committee
 - Transport & Infrastructure Select Committee
 - Children, Families and Communities Select Committee
 - Health and Adult Social Care Select Committee
- 8.12 **Establish a scrutiny Co-ordination Group.** This could comprise Chairs and possibly Vice Chairs of each committee and Chaired by the Chair of Resources (P&FSC). The purpose would be to discuss alignment of work programmes and where possible to achieve a joined-up approach to scrutiny of council policies, priorities and delivery plans.
- 8.13 **Consider further use of task and finish and other 'set piece' scrutiny techniques.** Focused events or enquiry days can highlight major areas of policy development or community concern.
- 8.14 **Allow experts/advisors on all scrutiny committees.** 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.
- 8.15 **Member workshop.** We recommend that a Member workshop is held to consider the findings of this review and to engage in ideas for change and improvement.

Acknowledgments and thank you

The Centre for Public Scrutiny (CfPS) was commissioned by Derbyshire County Council to advise and support an internal review on the effectiveness and impact of their current approach to overview and scrutiny.

We would like to thank the Chairs and Vice-Chairs of Scrutiny for their time and support and those Improvement and Scrutiny Committee Members, Cabinet Members, and Officers who took part in interviews, survey and observations, for their time, insights and open views.

A schedule of Members and Officers who were involved in scrutiny conversations is attached as Appendix B

CfPS Project Management and Delivery

Jacqui McKinlay – Chief Executive – Jacqui.mckinlay@cfps.org.uk

Ian Parry – Head of Consultancy - ian.parry@cfps.org.uk,

Katie Grigg – Senior Research Officer – katie.grigg@cfps.org.uk

Centre for Public Scrutiny Ltd | 77 Mansell Street | London | E1 8AN

Tel: 07831 510381

Visit us at www.cfps.org.uk

Follow [@cfpscrutiny](https://twitter.com/cfpscrutiny)

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Draft 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 draft 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.

- It is proposed that the final Action Plan will be presented to Cabinet and Council.

	Recommendations	Action Plan	Implementation
	Planning, Organising and Resourcing Scrutiny		

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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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<p>(8.4)</p>	<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>	
<p>5 (8.5)</p>	<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>	<p>November 2020</p>
<p>6 (8.6)</p>	<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>	<p>Commence December 2020, ongoing</p>
<p>7 (8.7)</p>	<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>	<p>Commenced and will continue, where appropriate</p>

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

	<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)	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>	Workshop Scheduled and stakeholders invited	12 October, 11am-1pm
16	Additional Actions not Included within the Report Recommendations		
16.1	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.	(i) Initial meeting between the 6 Chairmen, supported by their respective senior officers; (ii) Thereafter, quarterly meetings	February 2021
16.2	Map and identify the financial and human resource implications of the review to ensure that the recommendations are adequately identified, costed and prioritised.	(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

Appendix 3

The Scrutiny Review

Workshop Report 12th October 2020

The Scrutiny Review commenced in 2019 at the request of Cabinet and Chairs of Scrutiny and an initial workshop was held for the Chairs and Vice Chairs of the four Improvement and Scrutiny Committees.

Cabinet considered the Scrutiny Review findings and proposed actions at their meeting on the 8th October 2020 and approved the Scrutiny Review Report, including recommendations and draft action plan, for consideration at a scrutiny member workshop and by the four Improvement and Scrutiny Committees and Governance, Ethics and Standards Committee. Cabinet noted that this review commences a programme of continuous review and development of scrutiny at Derbyshire County Council.

The 2020 Scrutiny Review Workshop

The Scrutiny workshop took place on the 12th October 2020.

Cllr Tony Kemp chaired the online workshop and Jacqui McKinlay, Chief Executive of the Centre for Public Scrutiny (CfPS) presented the report and findings. She noted, that like many authorities, this was the first in-depth review of Scrutiny that had taken place for many decades. The CfPS were commissioned to undertake the review in 2020, bringing independence, a substantial experience of scrutiny from across the country and a ready-made scrutiny review methodology. As part of the review process the CfPS undertook two member surveys: one designed for completion by members of Cabinet and members of Improvement and Scrutiny Committees and the other designed for all remaining members. CfPS also carried out a series of one to one meetings and discussion groups with:

- The Leader of the Council;
- Improvement and Scrutiny Chairs and Vice Chairs;
- Improvement and Scrutiny Members by political group;
- Cabinet Members;
- Opposition Leaders;
- Executive Directors;

- A sample of Directors;
- A sample of partners and past Improvement and Scrutiny witnesses;
- The Statutory Scrutiny Officer and the two Improvement and Scrutiny Officers

A Scrutiny Review Steering Group comprising the Improvement and Scrutiny Chairs and the Cabinet Member for Corporate Services, was established to lead the review.

Cllr Kemp shared the action plan which will help the recommendations of the review.

He explained that the report findings, action plan and feedback would be considered by the Improvement and Scrutiny Committees, the Governance, Ethics and Standards Committee, followed by Cabinet and Council.

There was a period during the workshop for questions and comments.

Participants left the main workshop and joined four Member Breakout Groups which were supported by CMT and Democratic and Scrutiny Services Officers. Participants considered the Scrutiny review findings, action plan and the following three questions:

- What are the key findings of the review that you believe are the top priorities?
- What are the opportunities and risks to effective implementation of the action plan?
- What does success look like in 12 months' time?

Everyone then re-joined the main workshop for the plenary session. It was clear that key themes emerged from the report findings, questions and comments and the breakout groups.

Key Themes

The key themes were as follows:

- Overall support for the review;
- Cross-Party engagement was welcomed;
- The action plan was well-received;
- Development of comprehensive, strategic and longer-term work programmes to enable Scrutiny to focus on strategic issues including the Council's priorities and emerging national policies and provide challenge rather than receiving reports for information
- Scrutiny should take more of a central role and should be supported by senior officers
- Collaborative working arrangements should be enhanced between Scrutiny Chairs, Executive Directors and Cabinet Members to facilitate information exchange about forthcoming policy development and key decisions
- A Key Decisions Document which has a lead-in time of at least four months should enable better planning and more focused Scrutiny work programmes;
- Pre-decision scrutiny should add value to the work of the Council;

- Ensure effective Member development opportunities are in place including opportunities to learn from others, learning 'on the job' and courses seminars etc
- Task and finish work is important and needs to continue
- The proposed quarterly meetings between the Chairs of Governance, Ethics and Standards Committee, Audit Committee and the Improvement and Scrutiny Committees are to be welcomed. They will help to ensure better coordination, avoid duplication and should add value.

Key Risks Included:

- The need for buy-in from all Parties, Members and senior officers
- The need for suitable resources
- There could be a potential change of Administration following the local elections and a further change in respect of scrutiny may follow.

Conclusion

The Scrutiny Review has been welcomed by Members and Officers, alike. The Centre for Public Scrutiny Report provides a good steer for the future and the recommendations have been carefully considered and widely consulted upon. The Action Plan will ensure that improvement is delivered.

Finally, it is acknowledged by all that this is a continuing (and continual) process and it is expected that any new administration will 'buy into' and support.