SCRUTINY FOR IMPROVEMENT

SCRUTINY HANDBOOK 2014-17
BACKGROUND
The purpose of this Handbook is to present a more detailed guidance on the process of implementing Gwynedd Council’s Scrutiny Strategy. This handbook gives details on the process of creating the scrutiny work programmes, the role and responsibilities of the scrutiny committees and the audit committee, details of the scrutiny reviews and engagement, as well as the resources available to lead and support the Council’s scrutiny regime.

WHAT?

The Scrutiny Work Programme
The Scrutiny Committees draw up their own work programme, independently. The work programme is a live programme which can be adapted at any time. The work programme of the scrutiny committees is developed from five elements:

i.) Annual Scrutiny Workshops
The annual scrutiny workshops held with scrutiny committee members focus on identifying matters to be included on the scrutiny forward programme for the coming year. To assist members in identifying appropriate matters to be included on the forward programme, the following are shared with them:
- Risk Register
- Performance Report
- Strategic Plan
- Community Strategy
- The Cabinet forward programme
- Previous forward programmes
- Internal / External Audit programme
- Regulators reports
- Messages from any relevant engagement or consultation

These documents, as well as individual matters are a firm foundation that enables members to identify matters to be included in the scrutiny committees’ forward programme. Also, in order to assist members to identify the right matters to be included on their forward programmes for the year, as part of the strategy a criteria will be developed as a resource to equip members to identify the right matters to be included on the scrutiny forward programme.

ii.) Matters Arising
Scrutiny committees consider individual matters as well as matters that arise during the year. These matters can be brought to the attention of members directly, or can be raised as a result of requests from members of the public to include specific items on the programme. In each case, a clear rationale should be ensured for submitting the item, and the logic should relate to the criteria used by the committees to formulate their forward work programmes.
Arising matters should also initially be discussed with the Cabinet Member and/or relevant officers to try and seek an early and expedient solution, before determining whether or not it is an appropriate matter to be scrutinised. As part of the strategy, we will be developing a procedure to formalise this.

In the same manner, the Chairman in consultation with the scrutiny committees can refuse requests from fellow members and/or the public to include specific items on the programme. In doing so, a clear rationale for the decision must be submitted. This rationale could relate to the criteria used by the committees when formulating their forward work programmes.

iii.) Forward Programme of the Executive (Cabinet)
One of the scrutiny committees’ roles is to challenge decisions and submit recommendations to the Executive (Cabinet), thus ensuring the public accountability of the Executive (Cabinet).

Being aware of the contents of the Executive’s (Cabinet) forward programme, allows the scrutiny committees to decide:
- if they wish to scrutinize an item on the forward programme or not
- if they decide to scrutinize an item on the forward programme, do they wish to do that before or after the Executive (Cabinet) has made a decision.

In some cases where that is not possible, scrutiny committees have the right to call in a decision from the Executive (Cabinet). This means freezing the decision until it is considered by the scrutiny committee. Following this, the Executive (Cabinet) must consider observations and/or recommendations of the scrutiny committee and modify or adhere to their decision.

iv.) Cabinet Member Requests
Occasionally, a Cabinet Member may submit a request to a scrutiny committee asking them to scrutinise a specific policy or matter on their behalf, submitting observations and/or recommendations to the Cabinet Member who would assist them to reach a conclusion and make a decision. A scrutiny committee can accept or refuse a request from a Cabinet Member, particularly if the matter has not already been identified on the scrutiny committee’s forward programme, or if it does not comply with the criteria.

v.) Officer Suggestions
Occasionally, officers can also suggest that a scrutiny committee should scrutinise a specific matter on their behalf, submitting observations and/or recommendations to officers that would assist them in enabling a review of policies, the remodelling of services or to make decisions, as the scrutineers are the eyes and ears of local people and service users. A Chairman in consultation with the scrutiny committee can accept or refuse suggestions from the officer(s), particularly if the matter has not already been identified on the scrutiny committee’s forward programme, or if it does not comply with the criteria.
Scrutiny committee work programmes are flexible in order to be able to respond to changing priorities. During the year, scrutiny committees publish their forward work programmes and update them on a regular basis in order to ensure that the items on the programmes are timely, and to be able to adapt to changing priorities. The forward programmes are updated regularly and are published on the Council’s website.

The Scrutiny Field
The Council has appointed the following Scrutiny Committees to fulfil the functions conferred by Section 21 of the Local Government Act 2000. At present, the Scrutiny Committees’ areas of work are distributed as follows:

<table>
<thead>
<tr>
<th>Themes</th>
<th>Areas of Work</th>
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| Corporate       | Corporate Strategy  
                  | Partnerships                 
                  | Engagement                  
                  | Business Transformation     
                  | Service Efficiency           
                  | Services for Tomorrow        
                  | Outcomes Agreement           
                  | Workforce                   
                  | Customer Care               |
|                 | The right to call in Audit Committee issues.                                 |
| Communities     | Economy and Regeneration       
                  | Green Gwynedd                
                  | Environment                 
                  | Transportation Network and Community Transport                              
                  | Empowering Communities       
                  | Waste                        
                  | Housing                      
                  | Language                     
                  | Carbon Footprint Reduction   
                  | Unitary Development Plan     |
| Services        | Older People                  
                  | Adults                       
                  | Families                     
                  | Children and Young People    
                  | Education                    
                  | Pathway to employment        
                  | Health                       |
This division reflects the tradition of scrutiny of providing an internal challenge to the services of the Council.

However, the Welsh Government is eager to impose a new duty upon local government scrutiny committees to scrutinize other public services providers in their area. During the phase of this strategy, based on the resources available, we will need to consider the best means of supporting and assisting the Council’s scrutiny committees to fulfil this new duty when it comes into force.

In addition, it is expected that the Local Service Boards are subject to an effective scrutiny process that would give consideration to the robustness of the process of analysing needs; to what extent the single integrated plan effectively meets those needs, are there sufficient resources allocated; and to what extent the plan is implemented effectively. In Gwynedd the Local Service Board services the areas of Gwynedd and Anglesey. During the phase of this strategy, we will need to consider the possibility of collaborating with Anglesey Council to establish joint scrutiny arrangements on the work of the Local Service Board, developing further on the joint scrutiny work already accomplished, taking advantage of the support and expertise of organisations such as the CfPS, with clear focus on improving services, and the effect on the citizen.

**Preparatory Meetings**

The purpose of the preparatory meetings is to consider the work programme, to decide on those matters that are to be included on the next scrutiny committee programme, and to select which method should be used to scrutinise the matters in question. At the preparatory meetings, it is decided whether or not there is a matter to be scrutinised, and which evidence and questions are appropriate for the scrutiny committee (placing a firm emphasis on the impact on the citizen), and who needs to be called before the committee.

The preparatory meetings are held at least five weeks before the scrutiny committees, and this is where it is also decided which method is most suitable to scrutinise each matter, such as a question and answer session, presentation, report and/or investigation.

**Scrutiny Forum**

The Scrutiny Forum meets on a quarterly basis and includes chairs and vice-chairs of the scrutiny committees. The Scrutiny Forum has a key role in giving leadership on constitutional and procedural matters, ensuring overview of the field and considerate cooperation across the scrutiny committees, giving direction on the relationship between scrutiny and the Executive (Cabinet), as well as consider the contents of the Council’s performance reports referring areas of risk or underperformance to the attention of the relevant scrutiny committees.
HOW?

Scrutiny Committees
The responsibility of the scrutiny committees is:
   i.) to review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council’s functions;
   ii.) to make reports and/or recommendations to the Council and/or the Executive in connection with the discharge of any functions;
   iii.) to consider any matter affecting the area or its inhabitants;
   iv.) to exercise the power to call-in, for reconsideration, decisions made but not yet implemented by the Executive (Cabinet)
   v.) to exercise the power to scrutinize any matter by outside bodies and partnerships which has an impact on the citizen.

The overview and scrutiny committees have a specific role to:
   i.) review policies and review the development of policy
   ii.) gather evidence, undertake research work and draw up recommendations to be submitted to the Executive (Cabinet)/Council;
   iii.) review and scrutinise the decisions made by and performance of the Executive (Cabinet) and/or committees and Council officers both in relation to individual decisions, policy and performance over time.

There are three scrutiny committees in Gwynedd:
   - Corporate
   - Communities
   - Services
and they were appointed by the Council to discharge the functions conferred by Section 21 of the Local Government Act 2000.
Under the Local Government Measure (Wales) 2011, the Audit Committee also has a scrutiny function, as can be seen below.

These scrutiny committees include 18 members appointed on the basis of political balance. The chairs of these committees are also appointed on the basis of political balance, and in accordance with the provisions of Part 6 of the Local Government (Wales) Measure 2011. The contact details of these committees are published on the web.

Specific work fields have been set up for the three scrutiny committees in Gwynedd in order to address members’ desires to be associated with specific scrutiny fields, as well as being a method to ensure clarity on the differences between the three committees for members, officers and the public. See the committees’ terms of reference in Appendix A. Once a year, the Communities Scrutiny Committee operates as a Crime and Disorder Committee.

Audit Committee
In the same manner, the Audit Committee includes 18 members appointed on the basis of political balance, along with one lay member. The committee is
responsible for fulfilling the following statutory functions under Section 81 of the Local Government Measure (Wales) 2011:

i.) review and scrutinize the authority’s financial matters,
ii.) make reports and recommendations in relation to the authority’s financial matters
iii.) review and assess the authority’s risk management, internal control and corporate governance arrangements
iv.) make reports and recommendations to the authority regarding the adequacy and effectiveness of those arrangements,
v.) inspect the authority’s internal and external audit arrangements, and
vi.) review the financial statements prepared by the authority.

Scrutiny Investigations
Scrutiny Investigations are an opportunity for members nominated from amongst the scrutiny committees to undertake detailed research of a subject or matter in order to assess the impact of policy implementation and/or service performance at grass roots level. Scrutiny investigations are established when some matters require detailed scrutiny.

The investigations are in the format of clear task and finish groups, and they work according to a specification and fixed timescale set by the scrutiny committee and/or Cabinet Member, and the specification can change with the commencement of the investigation. The investigations reflect effective cooperation arrangements between the Executive (Cabinet) and scrutiny, and some examples of good practice have been identified where Cabinet Members and scrutiny committees cooperate and agree on the contents of the investigation specifications.

The investigations are not desktop exercises by officers, rather they are considered as a vehicle to enable members to achieve their role in a meaningful and thorough manner by undertaking intelligent research work into a specific field. This can be achieved in various ways such as desktop research, interviews, consultation, compiling good practices and visits.

As well as being a vehicle to ensure input and evidence from local people and users, this provides an opportunity for members to gain more of an understanding about a particular matter and what takes place in other locations. The final formal report of the investigation is submitted before the scrutiny committee, and then to the Cabinet Member and/or the Executive (Cabinet), together with observations and/or recommendations of the investigation for consideration.

Currently, there is a limit on the number of investigations that can be held by a scrutiny committee at any one time. This means one investigation at a time for the Corporate and Communities Scrutiny Committees and two investigations at a time (one on education and one on social services) for the Services Scrutiny Committee. This intends to ensure sufficient resources in order to hold the scrutiny investigations and to fully support them.
Scrutiny investigations are the best vehicle to ensure scrutiny value and quality as an agent to improve performance and Council services for residents and users. As a result, subject to the availability of sufficient resources to undertake the work effectively, it is possible to consider increasing the number of scrutiny investigations that could be held by the scrutiny committees.

There would be more focus by the scrutiny committees on the investigations in increasing the number of investigations and the available necessary resources to support them, thus reducing the number of matters from the forward programme the scrutiny committees could directly undertake every year. This development is an opportunity to review the scrutiny committees following the investment in the scrutiny investigations.

**Annual Reports**

Scrutiny committees must report annually to the Council on their workings and make recommendations for future work programmes and amended working methods if appropriate.

Since the order of three scrutiny committees in Gwynedd was established, two overview and scrutiny annual reports have been formulated and published. These reports focus on the impact on the citizen and provide details on:
- all matters that had been before the three scrutiny committees during the year;
- which questions deserved to be addressed according to scrutineers’ opinion;
- observations and/or recommendations of the scrutineers to the relevant Cabinet Member;
- details whether or not the Cabinet Member had accepted, considered or refused observations and/or recommendations of the scrutineers
- likely effect of the scrutiny work.

The annual reports are also a vehicle to identify good practices and what the scrutiny committees and the investigations achieved during the year gone by. The annual report is published on the Council’s website, and is an effective means of raising awareness about scrutiny among the public.

**Voice of the citizen**

It is acknowledged that engagement with the public is an all important element of good governance. It has several advantages:

i.) it can extend the accountability and transparency of the decision making process by ensuring that the public are aware of how decisions are made and by whom;

ii.) engagement can enhance policy development by improving the evidence base that a policy is founded upon;

iii.) by ensuring that policy decisions are made by giving due consideration to the opinion, needs and desires of citizens and service users.
The role of scrutiny is central in engaging and helping people to feel that they can influence what takes place in their area. Scrutiny has an important role in the process of activating links between different individuals and groups, and to channel community information to the Council's improvement processes.

Therefore, there is a need to inform people about the role of scrutiny and how the Council makes decisions, and the opportunities available to them to voice an opinion and submit evidence to influence and make a difference locally.

The scrutiny committees are open to the public – except where confidential or exempt matters, as defined by the law, are being discussed – and it is possible for members of the public to contribute meaningful items towards the work programme. At the same time, we will be developing a procedure for scrutiny committees to consider including specific items proposed by the public to the programme. In determining whether or not to do this, the committee is expected to submit a clear rationale for their decision. This rationale could relate to the criteria used by the committees when formulating their forward work programmes.

While it is possible to do this by means of a formal committee, the best vehicle to ensure a voice for the public and service users is the scrutiny investigations, which is also an opportunity for them to submit evidence and experiences as a basis to influence policy or improve services. In order for this to be implemented correctly, there is a need to secure assistance to enable members to carefully consider the credibility and competency of public contributions in order to ensure the quality of the investigations.

There is also a need to consider whether or not input from the public is required each time. The following questions can assist in this sense:

i.) What additional evidence can the public provide?
ii.) Has the opinion of the local community already been gathered on the subject – could data or information that is already available be used?
iii.) Will the public be interested in the subject of the investigation?
iv.) What are the advantages / disadvantages of public engagement?
v.) Will we be able to show the public that consideration has been given to their opinion and that the Council has acted on them at the end of the process?

The third sector also has an important contribution to make in the task of providing input in the Council’s overview and scrutiny work. In some cases, this can directly result in improving public services and strengthening communication between citizens, special interest groups and people who make decisions in other cases.

WHO?

General Support for Scrutiny
In Gwynedd, support to enable councillors to fulfil their overview and scrutiny role effectively is provided by:
- Corporate Directors
- Heads of Service
- Head of Democratic Services
- Corporate Commissioning Senior-Manager
- Democratic Services Manager
- Members Support and Scrutiny Manager
- Members Support and Scrutiny Officers
- Scrutiny Performance Improvement Assistant Officer

During 2013, the responsibility for the Scrutiny Committees was distributed as follows:
- Corporate Members Support and Scrutiny Manager
- Communities Democratic Services Manager
- Services Corporate Commissioning Senior-Manager

In addition, expertise and resources are utilised among members of the Strategic and Improvement Department’s Manager’s Group to lead and support the scrutiny investigations, as well as the Scrutiny Performance Improvement Assistant Officer who supports the research work associated with the scrutiny investigations.

**Expert Help and Support for Scrutiny**
The scrutiny committees are independent and can take advantage of expertise in order to ensure effective scrutiny. i.e.
- Witnesses: Scrutiny committees can invite people to meet the committee to answer questions and express an opinion.
- Experts: Scrutiny committees can invite experts from outside the Council to submit evidence or attend meetings.
- Professional support by Council staff: Scrutiny Committee can apply for specific information or professional opinion by officers in a particular field.

**Welsh Local Government Association (WLGA)**
The WLGA offers a wide range of services to help develop the overview and scrutiny function in Wales, including expert help for individual authorities, publications and handbooks that offer assistance and guidance, as well as being responsible for managing and co-ordinating local and national networks for scrutiny promoters.

In addition, the WLGA also supports councillors to fulfil their role effectively, be that through role descriptions, training programmes such as the Leadership Academy, and supporting networks such as the National Network for Scrutiny Chairs, identifying and sharing good practice, as well as producing publications and short handbooks which offer support and guidance for councillors in various fields.

During the phase of this strategy, we intend to take advantage of the support and expertise of the WLGA to support and develop the scrutiny regime and everyone involved in that regime in Gwynedd.
The Scrutiny Support Programme in Wales (CfPS)
The Welsh Government has made an agreement with the Centre for Public Scrutiny to provide and present a programme of support for local authorities in Wales to assist them to strengthen local accountability arrangements. The programme focuses on:

i.) supporting regional and national networking between scrutiny practitioners across Wales, including sharing and co-ordinating work programmes;

ii.) supporting and building ability and developing specific scrutiny skills for members

iii.) support and facilitate scrutiny support work targeted for specific authorities and groups of authorities;

iv.) working with “designated persons” to present and explain scrutiny function of local government, and help build positive work relationships;

v.) encourage and participate in improving scrutiny by self-evaluation among different sectors.

During the phase of this strategy, we intend to take advantage of the support and expertise of the CfPS to support and develop the scrutiny regime and everyone involved in that regime in Gwynedd.

Personal Development Review
The Local Government (Wales) Measure 2011 requires local authorities to put arrangements in place that would enable elected members to receive an annual review of their training and development needs. These reviews are an opportunity for every member, and especially those members on scrutiny committees, to identify their training and development needs. In turn, this will lead to a situation where the Council will be required to respond to those needs and provide relevant support to assist members to fulfil their role, be that in general, or in the context of their overview and scrutiny role.

Commission on Public Service Governance and Delivery (Williams)
The Williams Commission interprets the role and contribution of scrutiny as the only method of ensuring public accountability. However, the Commission Williams identified basic weaknesses in the present scrutiny regime, leading to 3 main recommendations, namely:

i.) The importance, status and value of scrutiny must be recognised, prioritised, continually sustained and reinforced. (Recommendation 31)

ii.) Organisations must regard scrutiny as an investment to deliver improvements and future savings. They must resource and support scrutiny accordingly (Recommendation 32)

iii.) Local government scrutiny committees and other formal scrutiny bodies must engage more effectively with the public and partners. That should include the co-option of individuals from advocacy and other groups onto scrutiny committees to increase such committees’ capacity and capability to provide constructive and informed scrutiny. (Recommendation 33)
During the phase of this strategy, we intend to consider how best to respond considerately and positively to these recommendations.