

Managing a Scrutiny Review



Skills Briefing 3

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This briefing is one of a series exploring the skills required by members for effective scrutiny. Together the papers are designed for use by new members or anybody involved in scrutiny who is seeking to better understand the skills that will assist them in attaining best practice. This paper will specifically examine the process of managing a “task and finish” scrutiny review.

Overview and scrutiny committees play an important role in monitoring performance and delivering effective accountability, but work carried out at committee is often only the tip of the iceberg. Real impact for the scrutiny function tends to come through the commissioning and reporting of task and finish groups, carrying out time-limited scrutiny reviews. Scrutiny reviews are conducted, amongst other reasons, in order to examine a specific policy’s impact, or to evaluate service provision in the local area more generally.

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1. **Setting objectives - defining when it is appropriate to devote resources to considering an item**
 - 1.1 The resources available to scrutineers are limited. It is therefore vital before any item is deemed worthy of detailed scrutiny that a decision is made as to the appropriateness of such a study being launched. Our report on work programming, "A cunning plan?" published in 2011, explores this in some detail.
 - 1.2 Why do it? Sorting out your objectives - What makes a topic worthy of detailed study? Before devoting resources to a review it might be worthwhile asking if there is a simple underlying problem that scrutiny can help to resolve. Is, for instance, a problem in service delivery traceable to a simple fault, which is relatively easy to put right? In this case, a full-blown scrutiny review may not be required. A scrutiny review needs to be able to add value – to add a unique perspective and deliver results which, arguably, no other local decision-maker could.
 - 1.3. If a scrutiny review is to be undertaken, what are its aims to be? These are normally likely to be structured around documenting the existing situation, highlighting difficulties and opportunities and making suggestions for improvements. Sometimes this will involve a tightly focused piece of work – sometimes a wider approach will need to be taken. For example, such reviews may involve outside organisations. The degree of co-operation possible from these organisations is a factor in the feasibility of a review, and its likely complexity (the "working with partners" skills briefing paper touches on these issues). It is likely that there will be constraints and limitations on any review which will be reflected when the terms of reference are drawn up.
 - 1.4 Cost effectiveness - Any scrutiny review needs to be cost effective. The focus of scrutiny needs to be on making recommendations that are value for money and that deliver tangible improvements to services, although some scrutiny work may be able to suggest opportunities for cost efficiencies as well. The fresh eyes that scrutiny brings to a given subject make it easier for members to identify new ways of working that might be less apparent to officers. If a subject being suggested for a scrutiny review relates to a service that is high-performing, has recently gone through an executive-led review, or where user satisfaction is particularly high, the value of a review should be questioned.
 - 1.5 Timespan, member availability and other risks - Scrutiny reviews are usually carried out by a small group of members, away from the landscape of formal committee meetings. Clearly the availability of members willing and able to undertake a review under these arrangements needs to be established before a review can get started. Members should be selected (either by volunteering or by group nomination) on the basis of their areas of interest and expertise. There also needs to be clarity and realism about the likely amount of time

they will need to dedicate to the work – scrutiny reviews need active involvement from all members.

- 1.6 The nature of a particular issue might mean that a review has to be concluded within a certain time span to be relevant. Members need to understand the pressure under which this may put them to read papers, attend meetings, and actively contribute to the group's business. If the timespan is too tight, it might make sense to think of other ways to conduct the work, such as a one-off, single item "challenge panel" meeting. Whenever there are time constraints, there also needs to be sufficient officer resources in place at the appropriate time to make the deadline.
 - 1.7 It could make sense for timescale to be considered alongside other potential risks (for example, political risks) when a review is being planned.
 - 1.8 Scrutiny review groups, and their commissioning committees, need to plan work with these limitations in mind. It is no use starting an involved piece of work only for it to grind to a halt half way through – because of resource constraints, or political disagreement, or the nature of the debate having moved on.
 - 1.9 Where will it go? – it makes sense to establish at the outset to whom recommendations will be addressed. Often this is likely to be executive members. At other times it could include an external partner. Bringing in those with responsibility early will be very helpful. These post holders will be able to provide information and guidance early on in a scrutiny review, which can help to influence the planning and scoping process for the review itself. Should these key people not be available in the short term to help in a review – or should they be ambivalent about the subject chosen - it might influence the scope and range of that review.
- 2. Scoping - how to project plan a review topic - different lengths of and types of review and different possible methodologies**
- 2.1 Much of the lead in scoping (another word for "project planning") is likely to be provided by the chair, on the basis of advice from the scrutiny officer (if there is one). Detailed information on chairing is provided in a separate skills briefing. Nevertheless, most of the councillors involved in a scrutiny review should have some say in the scoping exercise.
 - 2.2 The chair is likely to seek early and quick agreement for a project plan setting out the direction and timings of that review. Putting the plan together will require some basic background research, and a meeting of the review group to narrow down the area under discussion. The plan might be able to sketch out where the issue is now, and where members might want performance to get to in the future, with scrutiny's

- help. It should be possible to define some general outcomes at the start, on the basis of the initial research carried out.
- 2.3 If there is no agreed final desired outcome at the start then the review is more likely to be structured around the possible avenues for improvement. It might be prudent to allow time to test suggested improvements with interested parties to narrow down potential options.
- 2.4 If there is a feeling that there are plenty of examples of best practice elsewhere the project plan would be wise to build in time for these alternatives to be seriously examined. It might be that site visits would be desirable to make meaningful comparisons, or some desktop time put aside to carry out benchmarking or other kinds of research.
- 2.4 Involving the public and service users - In drawing up the plans the involvement of the public needs to be considered. Ideally many reviews would benefit from hearing a wide range of public views – although this will not be appropriate or relevant in all cases.
- 2.5 The aim is to ensure, when seeking to involve the community at large, that the right people are getting involved in the right way. Part of this is about effective publicity – part of it lies in ensuring that scrutiny is going out to where people already are, rather than expecting people to come to wherever scrutiny is. All these issues must be built into project plans to ensure maximum success.
- 2.6 The communications professionals in the town hall will be able to advise on the best way of presenting material to get it published or broadcasted, and community engagement officers (if your council has them) will be able to provide advice on direct dialogue with local people. It might be that early interaction with the public could lead to suggestions on how the scope of the review might be altered or extended to associated matters of public concern. It can help to assure that the subject under discussion is of genuine interest to local people
- 2.7 The public, if sufficiently motivated, may see the start of a review as the spur to start making some of its own investigations. Knowing that whatever they bring forward as evidence is likely to be seriously considered may spur them on. A project plan could plan for a truly collaborative investigation. This may seem a remote possibility, but a number of scrutiny reviews – including many which have received CfPS Good Scrutiny Awards – have actively sought to involve the public in this way, on an essentially joint basis. Scrutiny reviews in **Enfield** (young people), **North East** (ex-servicepeople and health inequalities), **Warrington** (cemeteries) and **Westminster** (young people's scrutiny panel) all demonstrate this work in action.

3. Evidence gathering

- 3.1 Working out how to gather evidence - The methodology of the review will need to be detailed in the project plan. The review could blandly call for evidence and see what turns up. The review will probably find it more beneficial to identify people, organisations and post holders that could contribute as expert witnesses.
- 3.2 Calling witnesses is not the only information-gathering technique. The internet and other desk-based research can be used to find things out. The drawback to this technique is that the opportunity for cross-examining is limited, and such desk-based research is often something carried out by officers. Members may feel that they lack the time, confidence or skills to carry it out themselves, but this will often not be the case. The scoping exercise (see above) may reveal opportunities to carry out member-led research that plays to the strengths of those on the review group, as well as building up their relevant skills.
- 3.3 When setting up the project plan the divisions of tasks between the various members of the scrutiny review can be established. It might be that the size of the group means that everybody is involved in every stage. However that might also be times when there is an obvious and sensible division of tasks, and individual members might be able to investigate particular points as “rapporteurs”, reporting back to the group as appropriate. There are risks in this approach – it can fragment the scrutiny process and does put a lot of onus on one member – but if it enables better utilisation of the limited resource then it should be encouraged.
- 3.4 This “rapporteur” process – and, indeed, the evidence-gathering process more generally – may lead to suggestions for improvements being developed as the review is under way. It may make sense to put these ideas to witnesses as the work progresses, to test out their viability in preparation for recommendations to be made. Some evidence may also lead you in a different direction to the one you had previously considered. These two factors emphasise the importance of flexibility in gathering evidence.
- 3.5 A project plan should also build in allowances for delays in the evidence-gathering process. Either through illness or other events certain tasks may slip. While any review group will want to report its results as soon as possible, a sensible project plan might allow some flexibility.
- 3.6 Working out how to weigh evidence - different sources of evidence will require that you place different weight on them, depending on their reliability, representativeness, authoritativeness and so on. No evidence should be discounted purely because it is anecdotal or parochial in nature – although this may mean that you don’t attach much weight to it on its own (although you may find it useful to see

whether other sources of evidence confirm it). All your evidence taken together, and weighed effectively, will allow you to build up a comprehensive picture of the issue you are investigating.

- 3.7 The project plan will have identified where information should be sought, and how. It is likely to have looked at providers and service users as the most interested parties. Those who have the expertise to provide evidence should do so (we discuss engaging with partners, and other organisations external to the council, in a separate briefing). Evidence from local experts will be extremely useful and will need to have a significant amount of weight placed on them. We explore in our skills briefing on engaging with partners exactly how people from outside the council can be persuaded to attend scrutiny meetings.
- 3.8 One of the most traditional forms of gathering evidence is through surveys conducted by the scrutiny review committee itself. Surveys can be conducted both verbally (person asking person) or self-recording (on paper or on the web). It is sensible to ensure that questions chosen to be asked are representative and the survey allows the flexibility for respondents to give full and frank opinions. It will be important when asking trade bodies to give evidence to establish if they are able to give answers that have universal support from their members or if they merely representing a summation of differing opinions. Surveys are usually most useful to get a broad overview of the public perception of a service, and allow more detailed investigations to be carried out based on your findings. How you carry them out will influence what weight you place on them when you come to consider your findings.
- 3.9 The most public form of evidence gathering is through formal interviews, getting witnesses to give their comments and views to the scrutineers. (The skills involved in questioning form the basis of another skills briefing). Questioning needs careful planning so that witnesses know what objectives the group is trying to achieve, and so that the group can target questions appropriately.
- 3.10 The members on the review will be able to bring their own thoughts and observations to the review. As sitting councillors they will have been made aware of what is happening in their ward by their constituents. Councillors will be keen to establish why. What will be of concern are cases where the normal monitoring by service providers shows no problems. As scrutineers, members may be able to undertake spot checks, doing random sampling, to get a better picture of how things currently work. Getting an accurate picture of frontline services – by talking to staff, residents, or others – can be a crucial way of getting hold of accurate, timely evidence about what really happens on the ground.. Again, the weight attached will depend on an accurate assessment based on these principles.

4. Bringing together findings and formulating recommendations

- 4.1 After all the evidence has been gathered it will be the task of the scrutiny review to move towards making recommendations. A thorough examination will have established the key issues, and identified some options for improvement. The review will have to reconcile all the comments that have emerged while gathering evidence.
- 4.2 The review should make a number of key findings of fact – building blocks on which recommendations can be constructed. Recommendations must refer to and reflect these findings to be taken seriously.
- 4.3 Developing firm findings will allow you to draw conclusions which can themselves form the basis of recommendations for action..This is often an organic process, and a meeting of the review group will often serve to very effectively tease out recommendations once the evidence-gathering phase is complete. As this happens, scrutineers will need to critically examine any proposals, and look at potential drawbacks or barriers to their implementation. It is possible that there will be more than one option to improve any specific area and therefore scrutineers should make suitable comparisons. For any proposed change there needs to be clearly identified benefits, which outweigh any risks or costs.
- 4.4 Scrutineers must think about the potential acceptability of any proposed improvements – principally, whether the outcomes being suggested are ones that would make a tangible, positive impact on the community. Scrutineers must be prepared to ground their recommendations in achievable reality, and to back them up with robust evidence if challenged.
- 4.4 The review report will need to be aware of the variety of groups who will be looking at the recommendations. These will include the executive, the full council, external agencies, and the press and service users. Not all recommendations need to be addressed to the council's Cabinet – it may be appropriate to direct some to partner agencies or to other bodies.
- 4.5 Ideally a final report should have the support of all scrutiny members involved in the investigation. Unanimity of recommendations carries a more powerful message. While there is a precedent for the production of "minority reports", it is far better to try to deal with any concerns about content by trying to incorporate those concerns into the final report.
- 4.6 A final report should give some form of action plan showing likely timescales to make changes. Setting timescales for the implementation of recommendations – and indicating what "implementation" will look like – is absolutely critical to ensuring success. It will make the

monitoring process described below much more straightforward. We explored this issue in more detail in our publications “Global challenge, local solutions” (2009) and “Green Light” (2010), but in brief the rule of thumb is to ensure that all recommendations should be SMARTER – specific, measurable, agreed, realistic, timed, evaluated and reviewed.

- 4.7 It is usual practice for reports and recommendations to be presented to the council’s Cabinet for agreement, but some recommendations may also be submitted to partners (this can happen directly – legally, recommendations do not need to be agreed by Cabinet or Full Council first). Whenever recommendations are submitted, it is good practice for the recipient to advise whether they will be accepted or rejected. If recommendations are rejected, a response should indicate the reasons why. Cabinet “noting” recommendations – as has happened in some instances – does not represent good practice, or reflect the respect that should be accorded to members for the work they have carried out on behalf of the authority and local people.
- 4.8 It is good practice, at the conclusion of a review and once the recommendations have been submitted to Cabinet and other decision-makers, to contact those who took part to advise them of the immediate outcomes. You can then follow this up, as recommendations are monitored in the future (see below) with more information on implementation at a later date.

5. Monitoring the implementation of recommendations in the future

- 5.1 It is common that the scrutiny review asks for a report six months or a year after its report’s publication to see what has happened as a result of its investigation. This will provide a useful “milestone” at which implementation can be judged.
- 5.2 Alternatively there could be in place a regular tracking system whereby the council at pre-defined intervals, maybe a fixed three or six month point, does a progress report on all scrutiny reports produced. Broadly reports could fall into one of three categories.
- Little progress or delays in implementation
 - Change recommended only at preliminary planning stage
 - Satisfactory progress being made.
- 5.3 This approach can provide an early warning where recommendations are not being implemented effectively. As we noted above, recommendations should be SMARTER, and recommendations fulfilling these criteria will be easier to monitor in the future. Where recommendations which have been accepted are not implemented, scrutiny could reopen the investigation to consider what has happened – although a one-off hearing on the subject is likely to be all that is needed.

- 5.4 Where recommendations have been agreed to, but implementation appears to have stalled, the relevant Cabinet member (or partners) should be held to account. This could involve an invitation to attend a committee meeting to discuss the matter in more detail, and/or the provision of written reasons for the failure to proceed successfully.