

Nov 2023

Scrutiny

annual report

2022/23



OXFORDSHIRE
COUNTY COUNCIL

1 Introduction

The scrutiny function is principally responsible to two audiences. Whilst required by law it is nevertheless formally established by council and thus remains accountable to elected members for its activity and contribution. However, it is a corporate governance function, which seeks to improve the decision-making of the council and improve its service delivery. Having an impact on what the council does, it also has an accountability towards residents, that its involvement in the

council's processes makes a tangible improvement to their wellbeing. This report seeks to highlight what the scrutiny function has done, put on record the contribution it has made, reflect on its performance and identify its principal areas of focus for future improvement.

The report covers the period July 2022 – June 2023 and not the municipal year. The reason for this is that typically the first meeting of a scrutiny committee will consider an agenda developed by the previous years' membership and, as such, that meeting reflects the issues and priorities of the earlier membership.

What is scrutiny?

At Oxfordshire County Council, most major council decisions are taken by the cabinet members, either through 'single member decisions' or formal cabinet meetings. The cabinet is made up of elected councillors from the controlling political administration. During the reporting period this was an alliance of two political groups comprising three political parties: the Liberal Democrats, Labour and the Green Party. In operating this 'executive' decision-making arrangement, the council is required by law to have a scrutiny function, made up of elected councillors who are not on the cabinet. The scrutiny function acts as a counterweight to the cabinet, empowering its cross party membership of 'backbench' councillors to hold the cabinet and senior officers to account for the council's performance and its decisions, and contribute to council decision-making. The scrutiny committee can also investigate any issue that affects the county or its residents, regardless

of whether it is within the direct responsibility of the cabinet. The work of scrutiny helps to provide assurance that the council is performing well, delivering value for money, and taking the best decisions it can to improve public services and the quality of life for the residents of Oxfordshire. It does this through influencing existing policy to informing policy in formulation.

A scrutiny committee has no power to require that decisions be reversed or policies changed. It operates in a very similar fashion to central government's select committees in that it seeks to engage relevant and informed individuals, consider policy or performance in light of the evidence gathered and present, in what is referred to as a 'critical friend' approach, recommendations for the relevant decision-maker to consider as to how improvements might be made. When scrutiny makes a recommendation it is a legal duty that the recommendation be responded to in writing by the relevant council decision-maker.

Background

In July 2021 the members of the council agreed unanimously to refresh the council's scrutiny function by establishing a broader set of overview and scrutiny committees in place of the two existing overview and scrutiny committees. This was to enable a greater range and depth of scrutiny activity and to be inclusive of a wider range of members of the council.

Current shape

The scrutiny function at Oxfordshire County Council technically has five scrutiny committees:

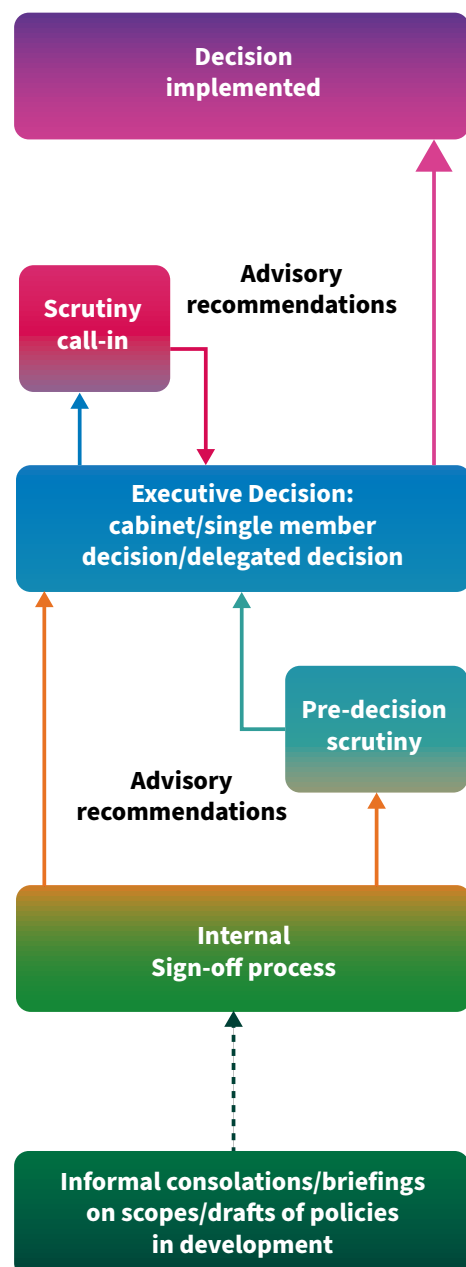
- Performance and Corporate Services Overview and Scrutiny Committee
- Place Overview and Scrutiny Committee
- People Overview and Scrutiny Committee
- Oxfordshire Joint Health Overview and Scrutiny
- Horton Joint Health Overview and Scrutiny

This report primarily focuses on the work of the performance and corporate services, place and people overview and scrutiny committees. The Oxfordshire Joint Health Overview and Scrutiny Committee as a joint committee (meaning it includes members of the district and city councils within Oxfordshire) has its own reporting arrangements and published its annual report, which was presented to council in July 2023.

This document can be read [here](#). The Horton Joint Health Overview and Scrutiny Committee is a legacy committee which has not met during the reporting period and it is expected council will be recommended not to renew it in the next municipal year.

Each committee is comprised of nine elected members – People Overview and Scrutiny Committee also has co-opted members - and convenes at least four times per year, with each having distinct remits:

- **Performance and corporate services:** corporate and directorate performance; financial reporting; budget scrutiny;
- **People:** all services and preventative activities/initiatives relating to children, young people, education, families and older people; statutory functions relating to children, adult social care and safeguarding; care leavers and the transition between children's and adult services.
- **Place:** climate change, transport, highways, planning and place-based services. Including the delivery of regulatory services, fire and rescue, community safety and community services such as libraries.



2 Scrutiny in numbers

Number of meetings held

13

Number of substantive items considered

29

Working group reports

3

Number of recommendations made

107

Reports to cabinet

17

Members of the public, non-committee members involved

28

Cabinet response breakdown

(based on responses received at time of publication)

62% accepted

29% partially accepted

9% rejected

Though scrutiny in numbers can tell us some information, it is important to recognise its limitations. Quality of scrutiny is more important than quantity, meaning that a higher number of substantive items is not necessarily a good thing. Equally, when scrutiny has looked at an issue and not found anything it wishes to make a recommendation on it will not make a report to cabinet. Lastly, there is no magic number for what constitutes 'success' of scrutiny recommendations to cabinet. This number will always be significantly influenced by two variables – the value of the recommendation itself, and the willingness of an executive to engage with suggestions from scrutiny.

These numbers tell us that:

- An average of just over two substantive items have been taken per meeting, which is generally identified by the Centre for Governance and Scrutiny as the optimal number per meeting.
- Every committee has met its constitutional responsibility of a minimum of four meetings per year.
- On average, over two members of the public have attended scrutiny meetings.
- Seventeen reports and 107 recommendations indicate a consistent flow of ideas between scrutiny and cabinet.
- The ideas which scrutiny puts forward are generally well received by cabinet, with fewer than one in ten being rejected.

Call-in

Call-in is a statutory function that enables councillors to challenge decisions that have been taken by a council decision-maker, such as cabinet or a cabinet member, before they are implemented. If a call-in request is deemed valid, then the decision in question is held in abeyance and cannot be implemented until a special meeting of the relevant scrutiny committee is held. The committee will hear both sides of the argument and decide whether or not to refer the decision back to the cabinet or individual cabinet member, or sometimes officers for key decisions delegated to them, with reasons why the decision should be re-considered. There were no call-ins during this reporting period.

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Performance and Corporate Services Overview and Scrutiny Committee

Chair's introduction

The Performance and Corporate Services Committee's focus over the past year can primarily be characterised as focusing on two issues of fundamental importance: the council's budget and strategy, and the way it engages with its local residents.

The importance of providing good scrutiny of the former has recently been illustrated over the last year by a number of councils – of differing political persuasions – publishing 114 Notices (effective bankruptcy notice) and having to reduce their level of service to the statutory minimum. I am pleased that the standard of budget scrutiny has improved over the course of the past year in light of the increasing financial challenge councils currently face.

Performance and corporate services' sister committees, people and place overview and scrutiny committees, have largely taken direct responsibility for the scrutiny of the most contentious topics over the last year. However, the fractiousness of public reaction – protests outside county hall and on the streets, the vitriol of social media, and the need to hire external security to prevent disruption of council meetings – has made it vital that the committee look in many ways how the council engages with its residents. Getting this right is something I am sure has full support across the entirety of the organisation and it is vital that scrutiny has contributed to that.

Having spoken about what the committee has looked at, it is also important to recognise that there are other extremely important issues it has not looked at. The council is undergoing a huge variety of transformation programmes which reflect the post-COVID working landscape, national changes to legislation, areas of its own under performance and the need to prepare for demographic change. The committee is glad to note that it is scheduled to begin getting information on this, but it is worth noting the accommodation scrutiny has made in not requiring this issue to be brought to committee. Likewise, it is a further regret that the committee has not, unlike the other scrutiny committees, undertaken a deep-dive in the form of a working group this year. There is a sense of a missed opportunity for the council to build on what the committee has to offer. I hope and expect the committee's working group, examining how the council equips its elected members to undertake their roles, to have been delayed rather than cancelled and we will in due course be able to learn and improve in this area.



Cllr Eddie Reeves (chair)

Membership

Cllr Eddie Reeves (chair)

Cllr Michael O'Connor (vice-chair)

Cllr Brad Baines

Cllr Neil Fawcett

Cllr Donna Ford

Cllr Damian Haywood

Cllr Bob Johnston

Cllr Kieron Mallon

Cllr Ian Middleton

Activity in brief

Number of meetings held 4	Reports to cabinet 7	Working group reports 0
Number of substantive items considered 9	Number of recommendations made 16	Members of the public, non-committee members involved 5
Cabinet response breakdown* <ul style="list-style-type: none">90% accepted10% partially accepted		
*(based on responses received at time of publication)		

Key areas of focus and achievements

Budget and strategic plan

As a major employer in the county, with over 5,200 staff and a budget of over £1bn, budget scrutiny within the council matters. The core components of budget scrutiny are to understand the council's priorities and how it intends to deliver those priorities, assessing the adequacy of the financial resources dedicated to enabling those actions, testing the reasonableness of forecasts where there is uncertainty, and assessing the level of risk the council's budget proposals involve. Scrutiny was supported to undertake this work with the help of senior officers, who provided introductory briefings to the key financial proposals and pressures on each directorate, as well as attending two scrutiny meetings to discuss the consultation budget and, once it was agreed, the proposed budget. Throughout the year this work was supplemented by examination of both the council's strategic plan, and outcomes framework used to monitor the council's performance.

The two-step process of budget scrutiny allowed for scrutiny's concerns to be heard prior to the setting of the post-consultation budget. As such, it offered only advisory comments at its first meeting, highlighting the increased uncertainty of the macroeconomic environment and the attendant increase in risk when operating in a highly volatile environment. When it did ultimately make recommendations, these included suggestions to improve the robustness of forecasting around inflation, one of the major areas of discrepancy between projection and reality in the previous budget. Another area of risk of concern to the committee was the deliverability of planned savings.

One of the priorities of the committee over the year has been to see a clearer linkage between the council's spending, the outcomes of that spending, and the measures it monitors to ensure it is delivering on its outcomes. To this end it highlighted to cabinet the challenge it faced, despite having received significant officer support, to understand the degree to which the council's discretionary spending was actually linked to achieving its strategic priorities. If it could not do so, a member of the public would equally be unable to do so. It followed through on seeking that the council align more openly its spending and its priorities with two recommendations, both agreed by cabinet. The first, 'That the council develops a revenue pipeline of projects whose order of priority is justified by agreed principles, including their contribution towards the council's strategic aims' and the second, 'That the council gives closer consideration in forthcoming financial years to mainstreaming tackling the climate crisis as a principle of budget design, with proposals evaluated at the earliest opportunity according to their impact on the council's climate targets. This decision making should be able to be evidenced in the presentation of the budget and accompanying narrative.' Later on in the year, the committee provided much advice around potential alternative measures, ones which may bypass reliance on the delivery of partners and thereby demonstrate the council's own, unique, contribution to the fulfilment of its priorities. Budget scrutiny matters, and scrutiny has sought to make it easier for our residents to understand it.

Ways of engaging

As expressed by the chair, the other major issue of focus by the committee this year has been on how the council engages with the public. It has examined this from a number of perspectives, looking twice at the progress of the council against actions made by a Local Government Association peer review on the communications function, reviewing the consultation and engagement strategy and learning about citizens' juries.

It is in the nature of scrutiny that it must not be afraid to put its hands up when things did not work. The committee has repeatedly sought that the council increase the breadth of those engaging with the council, either by reaching communities who have historically not engaged, or by undertaking consultation and engagement through sampling and representative engagement, such as the citizens' jury. The experience of the committee in engaging with the results of a citizens' jury made clear that, even if such activity may be desirable (scrutiny has recommended this to cabinet, though being aware of its expense and time-cost) it is not effective simply to 'do' this without the background work to best incorporate the outcomes of a citizens' jury into the council's decision-making process. The committee made a recommendation to cabinet accordingly, driven by its own uncertainty as to the interrelationships between jury recommendations, established policy development processes and 'standard', statutory consultation. It is hoped the council can equip itself to make best use of the deeper level of engagement and feedback from its residents in the future.

A further observation arising from the committee's exploration of this issue is the recognition of the central role in communications in the work of the council, from identifying resident priorities to policy development and

testing, to policy implementation and ‘business as usual’ activity. Being so entwined with the council’s activity, communications are not merely an enabling function but are a crucial element of what the council does. As a consequence, scrutiny has made two recommendations which reflect this, seeking that cabinet as a political body should become more explicitly responsible for the way consultation and engagement is carried out, and suggesting that there should be political inclusivity in coordinating the communications function, and that accordingly both leader and deputy leader should be involved in those formal meetings run to do so.

Other activity

Cost of living

Whilst the primary levers to address the cost of living crisis are outside the direct control of the council and more in the hands of central government, the Bank of England and the business sector, the council is not absolved in needing to contribute towards helping those residents struggling the most. The committee considered the measures which the council had already taken and those which it was planning to do so. Overall, the efforts and plans made by the council were welcomed though recognised mainly as necessarily emergency interventions and so not so focused on poverty prevention, a future aspiration. The issues raised by the committee primarily focused on ensuring that funds were indeed being distributed to those most in need, and suggestions as to how to keep members informed of the support being provided in their local areas.

Property

The property strategy is the council’s response to a number of entwined issues, including the financial pressures it faces, the post-COVID growth of working from home, and the carbon footprint of its existing estate. The committee was keen to look at this, but its scrutiny reflected the high-level nature of the document itself so was only able to make relatively general pointers to cabinet as to what it might need to consider when making its decision.

4 Place Overview and Scrutiny Committee

Chair's introduction

In discussing the activity of the Place Overview and Scrutiny Committee I would first like to begin by recognising the work of the scrutiny officers who have supported the committee over the last year.

My gratitude to them for their hard work, professionalism and commitment is genuine, particularly bearing in mind the high turnover of staff. Staff turnover is an issue which is felt more keenly by the Place Overview and Scrutiny Committee than others; staff who do not spend sufficient time in the county do not have sufficient time to develop an understanding of Oxfordshire as a place and its needs when making decisions about significant changes to the fabric of the county.

Issues within the committee's remit, particularly transport policy, have attracted considerable public interest, and I welcome the membership's willingness to engage with these topics. Given that the membership of the committee is not of one mind on many of these issues, it is to members' credit that the committee has been able to look past these differences and focus on identifying recommendations to cabinet which have a broad measure of support. I believe it also to have been a great success that the committee was able to invite and constructively engage with representatives on different sides of some of those contentious topics; scrutiny does the council a great service in getting Oxfordshire Liveable Streets and Reconnecting Oxford in the same room to discuss issues in way which seeks to hear and learn and is one step removed from the pressures of a formal council decision. My thanks do go to all those who have come to share

their views; their participation enriched the committee's discussion and understanding considerably.

My final comment focuses on the fact that not only has the Place Overview and Scrutiny Committee been the most outward-looking of scrutiny committees in terms of its invitees, it has also been outward-looking in the issues it has engaged with. There are many issues where we as an upper tier authority have a role to play, but must do so in partnership with others, sometimes as a junior partner. The committee has not overlooked this element of its remit, engaging with the police and the police and crime commissioner, Thames Water, the freight industry, retailers and the Local Economic Partnership in the course of its work.

Finally, I thank my fellow members of the committee for their engagement and participation. Though not perfect I see a strong foundation on which to build over the course of the coming year.



Cllr Kieron Mallon (chair)

Membership

Cllr Kieron Mallon (chair)

Cllr Charlie Hicks (vice-chair)

Cllr Arash Fatemian

Cllr Ted Fenton

Cllr Judy Roberts

Cllr Richard Webber

Cllr Brad Baines – **left May 23**

Cllr Andrew Coles – **joined May 23**

Cllr Dan Levy – **left Nov 22**

Cllr Freddie Van Mierlo – **joined Nov 22**

Cllr Sally Povolotsky – **left April 23**

Cllr Kate Gregory – **joined April 23**

Activity in Brief

Number of meetings held 5	Reports to cabinet 7	Working group reports 2
Number of substantive items considered 12	Number of recommendations made 76	
	Members of the public, non-committee members involved 16	

Cabinet response breakdown*

- **58%** accepted
- **32%** partially accepted
- **10%** rejected

*(based on responses received at time of publication)

Key Areas of focus and achievements

Working groups

Over the course of the reporting period two working groups established in the last reporting year concluded their work: the carbon reduction targets working group, chaired by Cllr Yvonne Constance and the transport policy working group, chaired by Cllr Charlie Hicks. The outputs of these groups represent the fullest contribution of the committee to policy development at the council.

It is not without reason that the phrase ‘what gets measured gets done’. In light of the fact that the council’s first priority within its strategic plan is to ‘put action to address the climate emergency at the heart of its work’ the committee established a three-member working group to review the efficacy of the council’s carbon reduction targets. It concluded, amongst other things, that ‘the council is effectively measuring much of its carbon emissions’ and that ‘the council has developed robust plans to reduce its carbon emissions and is already making good progress against them.’ Given the positive overall conclusions, only a small number of recommendations were made. These included encouragement to the council to develop further its supply-chain emissions monitoring, sharing its learning on carbon reduction with other organisations, and publish its performance against its carbon reduction targets on a regular basis to enable the highly-engaged and well-informed residents of Oxfordshire to hold the council to account. Overall, the contribution of this working group was praised by officers as having been of particular use.

The local transport and connectivity plan (LTCP) is an issue of such fundamental importance that it is deemed to be part of the council's 'budget and policy framework,' items which only the meeting of full council can agree rather than being made by executive decision in cabinet. The working group looked in detail at the most recent iteration of the LTCP, LTCP 5, to test the robustness of its proposals to develop the public transport network and services to reduce car use, to support the travel needs of disabled residents, and actions to develop walking and cycling networks. The working group called on a wide variety of external expert witnesses, including

- **Professor Phil Goodwin**, Emeritus Professor of Transport Policy, University of London
- **Professor John Whitelegg**, Visiting Professor, School of the Built Environment, Liverpool John Moores University
- **Peter Cushing**, Director of Midland Metro Alliance
- **Nick Small**, Head of Strategic Development and Built Environment, Stagecoach West
- **Luke Marion**, Oxford Bus Company and Thames Travel, acting Managing Director
- **Chris Ashley**, Road Haulage Association
- **Heidi Skinner**, Logistics UK
- **David Deriaz**, Oxfordshire Transport and Access Group
- **Ted Maxwell**, Lead for the Inclusive Transport & Movement Focus Group, Oxford City Council
- **Dr Alison Hill**, Chair of Cyclox

The working group published a total of 29 conclusions, of which only two are drawn out here. Firstly, that 'there is not yet a clear link between the transport policy evidence base and the policies being put forward in the LTCP and how they align with the headline targets in the LTCP' and secondly, that 'disabled people do not currently feel listened to by the council or as though it is sensitive to their travel needs'.

The working group made a total of 28 recommendations, including some to address issues around the evidence base, including incorporating into its modelling induced demand - journeys which are undertaken when the supply of roads is increased. Further exhortations were made to ensure that the headline targets of the LTCP were embedded within the council's set of policies which sat beneath the LTCP, such as the Central Oxfordshire Travel Plan (COTP) and its freight strategy.

Alongside recommendations encouraging the council to engage more comprehensively with disabled residents, including following the completion of a project as well as during their design, the working group adopted a challenge provided by attending disabled members of the public, who felt unable to navigate the entirety of the LTCP to identify the measures which were relevant to their needs.

Transport

When transport policy in Oxfordshire has become a reference point for debate internationally it would be deeply remiss if scrutiny were to have failed to engage with it. In addition to the working group's contribution detailed above, the committee also engaged during the reporting period on the Central Oxfordshire Travel Plan, the traffic filters proposals, a review of the Local Transport Plan 4 (the new Local Transport and Connectivity Plan – LTCP 5 – was considered before this reporting period), and the council's parking standards.

Owing to the deeply contested nature of the debate around transport the committee sought to hear a wide variety of stakeholders' views. These included the Walton St East-West Roads Community Group, the Coalition for Healthy Streets, the Oxford Business Action Group, Reconnecting Oxford, Oxfordshire Liveable Streets, Oxford City Council, the Oxford University academics who had delivered the citizens' jury, and a professor from Oxford University's Transport Studies Unit. Unsurprisingly, in considering such a complex set of interrelated issues the committee had many recommendations to make, but a number of the key outcomes are as follows: ensuring those living outside Oxfordshire are not given passes to allow travel through the traffic filters, thereby increasing the traffic reduction in the City whilst not disadvantaging local residents; ensuring loopholes to the traffic filter scheme were closed; seeking clarity as to under what conditions the council would intervene to change its experimental traffic order if it was not working, and pressing the council to align more closely the targets for modal shift sought in its overarching LTCP 5 with the necessary outcomes of the Central Oxfordshire Travel Plan.

Looking to a different meeting, one of the benefits of a well-informed scrutiny committee is that members can have a better overview than those who are working at the coalface. A good example of the benefits of this can be seen in place's consideration of parking standards for new developments. It was noted that committee maximum levels of cycle parking permissible under the proposed standards did not align with the LTCP travel targets and recommended they be aligned with those targets. As a consequence, what were maximum levels of bike parking in the original standards became minimum standards, a benefit which will continue to compound for as long as the standards are in place.

Crime and disorder

The council is not only empowered but obligated under section 19 of the Police and Justice Act 2006 to appoint an overview and scrutiny committee as a 'crime and disorder committee'. This committee is empowered to review or scrutinise decisions made or actions taken in connection with the discharge by responsible authorities of their crime and disorder functions to make reports or recommendations to the local authority and its executive with respect to the discharge of those functions.

The council has designated the Place Overview and Scrutiny Committee as the Crime and Disorder Committee.

Since the Thames Valley Police and crime commissioner had technical difficulties joining the originally scheduled meeting, discussion of the Police and Criminal Justice Plan was held over two meetings. Atypically, recommendations arising from these meetings were not directed towards the cabinet but to the Police force themselves and the Thames Valley Police and crime commissioner, with the key suggestions being around the tackling of violence towards women and girls, suggestions around co-working better with the council to bolster the effectiveness of neighbourhood policing. Other emotive topics, such as traffic enforcement around low traffic neighbourhoods and efforts to reduce road fatalities, approaches towards unauthorised encampments, stop and search data, and approaches to recruitment and diversity, particularly amongst women, minority ethnic groups and the LGBTQIA+ community were also discussed.

Other activity

Water

The council is a consultee to the Water Resources South East Regional Plan, which details proposals as to how water resources might be matched with projected population growth. It is particularly controversial in Oxfordshire owing to the suggestion of developing a strategic reservoir near Abingdon, which would service many of the surrounding areas beyond Oxfordshire. The committee heard from both a representative of Thames Water, and from GARD – Group Against Reservoir Development. Following discussion, the committee was largely in agreement with the council's response to the consultation, sharing the frustrations about unrealistic assumptions over population figures, the longstanding leakage figures experienced, and doubts over the need or desirability of a reservoir. Wishing to be constructive, the committee sought that the council reach out to Thames Water to offer what support it could in helping to address the chronic leakage problems more efficiently.

Retail

One of the main sources of disagreement regarding the council's transport policy is whether it supports or undermines shops, which have long faced a growing challenge from online retailers, a trend significantly exacerbated by the pandemic. When a critical mass of shops is lost, viability for the remainder becomes significantly harder. The committee, therefore, considered a report on the future of the high street, inviting Nigel Tipple, Chief Executive of OxLEP and Jasmine Gilhooley, Business Strategist, Banbury Business Improvement District to discuss the issue alongside officers. The major outcomes were recommendations around ensuring that greater understanding of economic impacts and the ability to access shops must be developed when making policy decisions, and that the council, having done assured itself one way or the other should not be shy in promoting those benefits to residents.

Other

The committee also formally discussed the implications of the Environment Act, the Household Waste and Recycling Strategy, and the Street Design Guide.

5 People Overview and Scrutiny Committee

Chair's introduction

Having become chair at the start of this year I would first like to pay tribute to my forebear, Cllr Ian Corkin, for his hard work in helping the committee establish itself following the implementation of the new structure. I would also like to pass my thanks on my vice-chair, Cllr Kate Gregory, whose talents have sadly now been lost to scrutiny having been appointed onto the cabinet.

In becoming a scrutiny chair for the first time, I have been seen first-hand the distance between what you are taught about how scrutiny works and the lived experience of actually doing it. Scrutiny training highlights the importance of scrutiny in the decision-making process, a vital cog without which the cabinet may not make decisions. Likewise, the power of scrutiny committees to set their own agendas in so that members are in control of what is looked at is emphasised. As Chair of the People Overview and Scrutiny Committee, I believe I speak on behalf of the committee when I say that over the last year the clear sense has been not that scrutiny has been recognised as a key part in the corporate decision-making process with its own rights, but a diversion from the 'real' decision-making needing to be managed.

It is frustrating for members to be treated this way but all of us within the political environment are accustomed to a degree of rough and tumble. What is disappointing, however, have been the consequences. The committee's primary area of concern this year has been over SEND provision, an area in which it has met sometimes with obfuscation and diversion with detailed reports lacking, meaning any progress by scrutiny has

been slow and not as impactful as we would have wanted. All the while, parents and children have continued to be under served by the council. The committee recognises that staff are under pressure and members are deeply sympathetic to this fact. The committee is also aware that servicing its requirements takes time and resources. However, scrutiny exists to challenge poor areas of performance in the council and it must be supported to do so. The last year illustrates the weakness of allowing the council to police its own performance without sufficiently robust scrutiny. I hope there will be a change of attitude and approach over the coming year where people scrutiny is more valued as a core mechanism to help and protect our residents and to help ensure continuous improvement.

As a final comment, high-profile problems at the council inevitably have political consequences. Scrutiny is a non-political function and I would like to praise all members involved for their willingness to put aside political considerations to ensure that the welfare of our residents has been put first.



Cllr Nigel Simpson (chair)

Membership

Cllr Nigel Simpson (chair)

Cllr Kate Gregory (vice chair) – **left June 23**

Cllr Sally Povolotsky (vice chair) – **joined June 23**

Cllr Imade Edosomwan

Cllr Andy Graham

Cllr Nick Leverton

Cllr Bethia Thomas

Cllr Michael Waine

Cllr Liam Walker

Cllr Michael O'Connor – **left May 23**

Cllr Trish Elphinstone – **joined May 23**

Ruth Bennie

(Anglican school representative co-optee)

Fraser Long

(Catholic school representative co-optee)

Activity in brief

Number of meetings held 4	Reports to cabinet 3	Working group reports 1
Number of substantive items considered 8	Number of recommendations made 15	Members of the public, non-committee members involved 7
Cabinet response breakdown* <ul style="list-style-type: none"> • 63% accepted • 27% partially accepted • 10% rejected 		
<small>*(based on responses received at time of publication)</small>		

Key areas of focus and achievements

Appointment of co-opted members

The council's refresh of the scrutiny function was predicated on the wish to expand the breadth of input available from its membership. The People Overview and Scrutiny Committee takes this one step further through the involvement of co-opted members. The committee is required to seek the input of four such members to bring different perspectives to the bear: a representative of Anglican-run schools in the county, a representative of Catholic-run schools in the county and two parent-governors representing maintained primary and secondary schools.

The committee has successfully appointed the two church school representatives. Ruth Bennie, Deputy Director of the Oxford Diocesan Board of Education on the Anglican side, and Fraser Long, Chief Executive of the Pope Francis Multi-Academy Company.

Unfortunately, the council's efforts to appoint parent governor representatives have not been as successful. The process for the recruitment of parent governor representatives is heavily regulated by statute and has been undertaken twice during the reporting period, as per the council's statutory responsibilities. On neither occasion has a candidate come forward even. Owing to the heavy regulation there is little opportunity for innovation, making these particularly difficult positions to fill. This is consistent with the challenges at other councils and the overwhelming experience of this council over the last decade.

Home to school transport working group

The biggest output of the People Overview and Scrutiny Committee in the reporting period has been the home to school transport working group, chaired by Cllr Andy Graham. The working

group, considered the issue of home to school transport from multiple perspectives, including the legislative framework and the council's policy within that, the financial pressures associated with it, ways to decarbonise home to school transport, the council's spare seats scheme, and independent travel training. The working group's discussions around the council's spare seats scheme resulted in a recommendation for a moratorium on changes to the policy, which garnered much public engagement and support amongst those who were in opposition to the council's change in policy. Whilst ultimately the cabinet did not agree to this recommendation, disappointed parents can see the time and effort made by the council in responding to the recommendation and could be assured that the decision was not taken without deep consideration.

A particularly good intervention was the recommendation, accepted by cabinet, that the council invest more money in independent travel training, which supports those students with special educational needs and disability (SEND) who rely on home to school transport services to develop the skills to get to school themselves. Not only is this a money saving suggestion, but more crucially it gives greater autonomy to students.

Another notable recommendation was based on the fact that a substantial proportion of home to school appeals were upheld and that in many cases the original decision was due to the correct information not having been submitted. The working group recommended that learning from the appeals process could be used to improve the council's guidance to help the submission of correct and relevant information earlier in the process, thereby avoiding the time and cost of defending an appeal, and causing the inevitable disappointment and frustration to those residents making an unsuccessful appeal.

SEND

Within the committee itself the top priority has been in scrutinising the council's SEND provision which, over the reporting period, was an area of particular concern. At the start of the reporting period the percentage of education health & care plans (EHCPs) completed within 20 weeks was 16.5 per cent, against a target of 60 per cent and dropped further in-year. The committee received three reports on this topic over the course of the year to understand the financial challenges around the council's SEND provision, updates on activity and, finally, an extraordinary meeting when a Department for Education report was issued highlighting Oxfordshire's particular underperformance. The committee's view was that this is a multi-layered topic and a topic where it is important to hear the voices of service users. As such, a working group was established but at the time of drafting this report its work had not concluded. Scrutiny's active involvement in this issue has been a strong signal to members of the public that the council is taking this issue extremely seriously and is willing to engage with those impacted.

Adult social care reform readiness

It is hard from to overstate how comprehensive the reforms to adult social care provision announced by central government have been and the enormous burden of preparatory work which was laid on local authorities. The announcement of a cap on the total fees payable by an individual towards their care before the local authority becomes liable may have been the publicly highest profile but the work to establish financial liability, the fair cost of care, how a sustainable market for social care will be maintained, deeper integration with healthcare systems, and plans for developing the workforce to meet its future needs is huge. The committee has looked at these issues and the council's preparation in detail, particularly its readiness for the Care Quality

Commission's reviews and assessments of how well the council is delivering its functions under the Health and Care Act 2022.

There are times when important scrutiny has been undertaken but that scrutiny shows a strong level of performance. This is such an occasion, where important questions around assurance to residents about the quality of service, assurance driven by needs and outcomes for residents, stronger safety within the system the rate of improvement were all discussed but not found wanting. It is an important element of scrutiny that it can be satisfied that there are areas in which it has been performing well.

Other activity

Specific aspects of care

The committee also examined the topic of care from a number of other perspectives. Simply having the number of staff available to deliver care and care-related functions has been a challenge in the post-COVID landscape particularly. The committee is pleased to see that the council has incorporated its wish to see greater focus in the form of a strategic approach to staff retention be developed in the draft workforce strategy.

Another key theme which emerged was the wish to see greater coordination with district councils over both key worker housing and, relating to the committees consideration of issues around the transition from children to adult social care, s.106 funding to ensure the availability of accommodation for vulnerable adults.

Whilst it is easy to fall into the thought patterns of seeing care as an established system, there are also many, an estimated 17,400 individual residents who undertake care on an unpaid basis, including children and young people. The committee was highly supportive of the [Oxfordshire All Age Unpaid Carers Strategy](#) as the council's response to this cohort.

2022 pupil education outcomes

Though the matter of educational outcomes for children in Oxfordshire's schools was placed on the committee's agenda it was not considered owing to time constraints during the relevant meeting. It was requested that this matter be looked at by a sub-group of relevant members. Having requested this information come, the committee is keen to see this actioned and the results reported back.

During this period, the council also launched an Independent Education Commission to review how the council, collectively with all state funded schools, other education settings, and partners including children and families, could plan to sustain improving outcomes for all Oxfordshire children. The committee received a briefing from the independent chair, Gail Tolley, to allow members to share their views and concerns at the outset.

6 Non-committee areas of work

Business management and monitoring (BMMR)

Providing scrutiny of the council's performance via its regular business management and monitoring reports – which details the councils financial, performance and risk outcomes - within a committee environment is challenging. The choice is to invite all members and senior officers and risk that they might not be asked anything, thereby wasting their time, or not inviting them and meaning members do not receive the level of detail required in response to question to enable rigorous scrutiny. As one way of addressing this, regular meetings of the three committees' chairs and vice-chairs are organised with the report authors to allow discussion of the issues raised and to coordinate how topics of concern might be picked up in a more targeted way within a committee setting.

Briefings

It is common for scrutiny committee members to be briefed by officers on areas of particular interest or relevance. Although briefings are designed to equip scrutiny members, they can also be of wider relevance. Scrutiny is therefore a source of all-member briefings. Over the reporting period scrutiny has hosted all-member briefings on:

- Oxfordshire Safeguarding Children Annual Report
- Oxfordshire Safeguarding Adults Annual Report
- Domestic Abuse Services
- Freight Industry Regulation
- The Implications of the Oxfordshire 2050 Discontinuation for Oxfordshire County Council

7 Reflections and future ambitions

Performance

Staffing/staff turnover

Over the course of the reporting period the staffing structure of the scrutiny function has developed. At the start, the team consisted of two members, one scrutiny officer and a scrutiny manager, and was augmented by a further non-budgeted scrutiny officer. Following the council's agreement to increase financial resources to the law and governance service, in which scrutiny sits, that non-budgeted position has become integrated into the structure. Furthermore, a dedicated democratic services officer has been added to support the scrutiny committees. Moving forward, this will be very welcome.

The staffing picture over the reporting period has, however, been challenging. There has been a regular turnover of staff. Within a small team the need to recruit, onboard, induct and hand-over to a new team member approximately once per quarter has necessarily reduced output and effectiveness of scrutiny, a point noted by committee members. Scrutiny's progress in becoming embedded within the wider council's processes has equally been hampered by regular changes of staff.

Scrutiny was one of the earliest movers within the law and governance to agree and recruit to its new structure and two permanent scrutiny officers are in post, with the additional democratic services officer expected to join the team. It is hoped, therefore, that the period of staffing turbulence will subside over the coming year.

Corporate culture

In 2017, the Communities and Local Government Select Committee undertook an enquiry into the effectiveness of local authority overview and scrutiny committees, seeking wide-ranging

evidence from local authorities and experts nationwide. One of the key outputs from this enquiry was the production of statutory guidance from central government to address a number of the key issues identified. It began this work by addressing the issue of corporate culture, stating that 'the prevailing organisational culture, behaviours and attitudes of an authority will largely determine whether its scrutiny function succeeds or fails.' That is to say that for scrutiny to be a success it requires buy-in from across the organisation and that the impetus for success lies not within the scrutiny function alone. It is fair to say that the experience of scrutiny over the reporting period focused on unanimous political support to refresh the function, has been fully reflected throughout the organisation.

In less than four years almost all the major stakeholders in scrutiny have undergone significant change. The longstanding administration has been replaced by another, meaning a new cabinet and a new opposition, alongside many new councillors and members sitting on scrutiny for the first time. The majority of the council's strategic leadership team has been replaced by new faces, including two changes of chief executive. The scrutiny function has been refreshed and remodelled. It takes time to develop a culture and it is not particularly surprising that this culture has not yet emerged, particularly when the council is simultaneously having to contend with the acute financial challenges facing local government, demographic change, the lasting effects of COVID, significant legislative change and high profile local issues.

To recognise that there are barriers to developing a scrutiny-enabling culture is not, however, an excuse simply to abandon hope of achieving one. As a 'critical friend' to the council the scrutiny function puts forward one area requiring particular attention: a defensive attitude towards the scrutiny process. On occasions, scrutiny has found it difficult to get access to the information

it requires for committee members to fulfil their roles effectively. Reports requested by scrutiny committees have not always been delivered to the requested scope and at points committees have had to be extremely forthright and persistent to bring items onto the agenda.

In view of the council's core strategic priority to 'play our part in a vibrant and participatory democracy' it is important that the way that the council's processes are applied align with this overarching objective. Having witnessed members of the public being prevented from addressing the committee through legal advice, the committee would hope that in future the default position of the council's processes would be to enable public engagement.

Integration and organisational capacity

To achieve its potential, scrutiny must be part of the council's corporate culture. The section above has focused primarily on attitudes and behaviours, but it is equally important that scrutiny is embedded as an integral element of the council's decision-making processes and operation and not treated as an alternative track, the work of which only rarely intersects the council's 'real' processes around decision-making and service delivery. Over the reporting period the level of integration has been below the standard required to realise council's aspirations for the function.

When considering the import of statutory powers and obligations surrounding scrutiny one way of characterising its most basic, statutory minimum function, is to facilitate communication between executive and non-executive members on matters of policy and performance. Over the reporting period scrutiny reports have been reinstated as a standing item on cabinet agendas, having previously fallen off.

The upending of the core stakeholder groups involved in scrutiny alongside the immense pressures faced by the council are equal or greater impediments to integrating the council's scrutiny function into its decision-making process. Nevertheless, if the council's ambitions for its refreshed scrutiny function are to be realised this change is necessary.

There are many different ways in which the lack of integration of scrutiny into the council's wider processes have reduced the impact scrutiny has had. One crucial one has been around the timing of reports. The scrutiny function has the power constitutionally to bring an item onto a relevant agenda whether or not the council's wider sign off processes – strategic leadership team, Informal cabinet or cabinet – have been followed or not. It has tended not to enforce this as it recognises the pressures officers are under and wishes to support rather than act as a burden to the council's delivery of services. However, this does come at a cost – not all deferred items can be rescheduled and key opportunities for meaningful scrutiny input can be missed.

As important as the timing of reports is their timeliness. In order to scrutinise effectively and helpfully, committee members need time to digest and reflect on the information provided to them. This has not always been provided, with some presentations and reports being issued on the day of meetings or at meetings themselves, impairing the quality of scrutiny able to be provided on those occasions.

A core output of a scrutiny committee is recommendations made, usually to cabinet. A formal response by the legal decision maker is required within two months of receipt. The fact that this has not always happened over the course of the reporting period is more serious than issues around the timeliness of reports to committees because the timeframe for response is a legal requirement.

There is a further, more general point about scrutiny recommendations. There is a sense amongst scrutiny members that, more than anywhere else, the council's treatment of recommendations reflects scrutiny's treatment as an independent process rather than an integrated element of the council's decision-making and service delivery. Specifically, there is a sense that sometimes scrutiny makes a recommendation, cabinet agrees that the idea is a good one, but that the idea gets 'lost' before it reaches project teams and makes no difference on the ground. The sense that scrutiny is its own thing and not a part of what the council 'does' and how it does it means there is a perception amongst scrutiny members that there is a lack of through-put in recommendations made to see their impacts adopted not simply at a policy level, but also at a delivery level. Addressing this is a complex issue, but it is an important one which needs to be flagged.

Overall reflections

The council has unanimously recognised the value that scrutiny can provide by bringing to bear a wider circle of experience, skills and knowledge of its members. In order to unleash fully this latent potential it is necessary it confronts those issues which inhibit it.

Barring the exceptions mentioned above, the minimum standard of scrutiny has been achieved, and communication between the executive and non-executive branches of the council has become more regularised; scrutiny reports are now a standing item at cabinet. This communication has availed useful insights, as detailed throughout the report

“ Thank you for the excellent work of the scrutiny committee. The biggest commendation it could possibly have had is that the officers who were involved said it really helped them crystallise their understanding, and that is surely what great scrutiny looks like ”

Cllr Pete Sudbury – Deputy Leader of the Council

The challenge for the scrutiny function - and the council as a whole - is to create an environment which delivers that great scrutiny consistently, not occasionally. Scrutiny in Oxfordshire still has some distance to travel to move from its norming phase to its storming phase but its direction of travel is positive. Below are detailed some of the concrete actions it seeks to take over the next year to progress that journey further.

Looking ahead

Unsurprisingly, much of what the scrutiny function seeks to achieve over the forthcoming year are steps which will enable some of the weaknesses identified to be addressed.

Improved integration

Whilst some degree of improved integration with the rest of the council will be achieved simply by the act of 'doing' scrutiny, the scrutiny function identifies two clear actions it wishes to achieve.

The first is to bring about closer integration of scrutiny and cabinet work programmes. Mutual access to and timetabling of work programmed activities will require coordination across all stakeholders in the cabinet-scrutiny relationship but greater integration in this regard will both make decision making smoother overall and allow scrutiny interventions to occur at the most useful points.

Linked to this is the second point, that scrutiny will improve the timeliness of its activity – giving more notice to officers and cabinet members, following up actions more swiftly, submitting reports to cabinet more swiftly. Integration requires effort from both directions, and the standards achieved from the scrutiny side have not always been consistent with a high performing scrutiny function.

Structural balance between committees

Although scrutiny’s new structure has only recently been launched, it is important that there is constant monitoring of the structure to ensure the number and balance of remits between committees allows sufficient depth of scrutiny and enables committees to focus on corporate and resident priorities. Over the last year this has not necessarily been the case, most acutely so within the People Overview and Scrutiny Committee.

The primary areas of concern are of the People Overview and Scrutiny Committee are adult social care, children’s social care and education. It is illustrative to understand this remit in terms of the percentage it covers of all directorate budgets. Adults and children, education and families accounts for approximately 70 per cent of the council’s spend. It is perhaps understandable with such a wide remit, therefore, that this committee has had to undertake significant prioritisation.

Following central government’s passing of the Health and Care Act 2022, adult social care services, including Oxfordshire, have had to undertake huge amounts of preparatory work to accommodate the changes required, as well as having to adjust to subsequent changes by central government. Equally, over the reporting period the council’s KPI monitoring reports have returned red indicators most consistently in children, education and families, particularly around the area of SEND. Correspondingly, committees resources have had to be trained on these urgent areas, to the detriment of the scrutiny of education.

This specific issue is already being considered following a motion to council highlighting the problem via a working group of the Audit and Governance Committee, the Future Governance Working Group. Scrutiny must remain sufficiently nimble and flexible to be in a position to address changes of circumstance, new pressures or be more effective in examining priority areas, and press for ongoing discussion amongst stakeholders – scrutiny members, cabinet members and the relevant officers – to ensure this is so.

Increased public engagement

One of the principal ways in which scrutiny can contribute towards the council’s ambition to play its part in a vibrant and participatory democracy is by providing a forum for members of the public to have their voices heard by those who make decisions which impact them. Although scrutiny has had some degree of success in this area, attracting 28 public speakers over the course of the reporting period it has also missed clear opportunities to do so. For example, scrutiny missed an opportunity to engage users of the home to school transport service in its working group. With this in mind, the scrutiny function would like to develop greater direct public engagement in its activities over the course of the coming year.

One enabling action which would support this ambition is the agreement of a scrutiny communications plan. The development of such a plan was advised by a peer review on the council’s communications function by the Local Government Association. Although very preliminary discussions have taken place, minimal communication resource is allotted to scrutiny activity at present and the scrutiny function would welcome the completion of a plan which would help it engage members of the public in relevant areas of scrutiny activity.

Greater added value

As referenced, scrutiny at times has evidenced that it has added value but it has not done so consistently. With scrutiny's own staffing challenges expected to ease, greater opportunity exists for investing time in more research, exploring ideas and learning from best practice elsewhere. One enabling action which will support this ambition is to push in the forthcoming budget for a scrutiny budget to bring in expert advisors when required. Oxfordshire is fortunate that it is a hub of expertise, often world leading, and many of these experts are indeed generous with their time. However, instating a specific budget would allow greater confidence in planning and consistency of advice, an important element in scrutiny itself being able to add worth on a consistent basis.

8 Thanks

As has been emphasised throughout this report, scrutiny is a multi-party enterprise. Its successes and contributions are the result of the time and effort given by many people – scrutiny members, cabinet members, corporate directors, scrutiny officers past and present, report writers, front-line staff, external contributors and members of the public. The scrutiny function would like to put on record its appreciation to all those who have contributed towards the shared endeavour of enabling a council decision-making process which, ultimately, seeks to deliver the best possible outcomes for its residents, current and future.

9 Contacting scrutiny

If you would like to contact scrutiny with suggestions, ideas or comments please email scrutiny@oxfordshire.gov.uk.

Meetings of its committees are open to the public and are livestreamed, the link to which can be found on the relevant meeting agenda (which can be accessed from this page). We also welcome members of the public sharing their views on relevant items on the agenda in person or via Teams.

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Tom Hudson,
Principal Scrutiny Officer

Performance and Corporate Services Overview and Scrutiny Committee



Richard Doney,
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Place Overview and Scrutiny Committee and People Overview and Scrutiny Committee



Omid Nouri,
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Health Overview and Scrutiny Committee and Buckinghamshire, Oxfordshire and Berkshire West Health Overview and Scrutiny Committee