

Divisions Affected - All

PERFORMANCE AND CORPORATE SERVICES OVERVIEW AND SCRUTINY COMMITTEE

8 OCTOBER 2021

DEVELOPING THE OVERVIEW AND SCRUTINY FUNCTION

Report by Director of Law and Governance

RECOMMENDATION

1. **The Committee is RECOMMENDED to**
 - (a) consider the contents of the report and agree on how to develop the Overview and Scrutiny function moving forward.

Executive Summary

2. The purpose of this report is to set out proposals and initial ideas to develop the Overview and Scrutiny function for consideration. Members should consider if they support these proposals and how they would like to develop them further.

New approach to Overview & Scrutiny

3. It will take time to embed and develop the new approach to Overview and Scrutiny. If the Overview and Scrutiny function is going to truly add value then it will need to be supported by Members, both Scrutiny and Cabinet, and by Officers.
4. Creating a strong organisational culture that supports scrutiny work can add real value by, for example, improving policy-making and the efficient delivery of public services. In contrast, low levels of support for and engagement with the scrutiny function often leads to poor quality and ill-focused work that serves to reinforce the perception that it is of little worth or relevance.

An Annual Report

5. An Overview and Scrutiny Development Plan would set out how the Council, its Members, Officers and Partners intend to improve and develop the function. Each Overview and Scrutiny Committee should produce an annual report that sets out the activity it has undertaken and how it has added value, to gauge where the function is, it is proposed that each annual report contain an assessment or health check of how the function is performing and developing.

6. Members could agree their own Scrutiny Development Actions that they assess against each year or could examine the function against the Statutory guidance for Overview and Scrutiny set out by the Ministry of Housing, Communities & Local Government.

Develop Core Scrutiny Principles

7. To make sure Overview and Scrutiny can fulfil its role in having adequate opportunity to hold decision-makers to account and contribute to policy development. It is proposed to operate Overview and Scrutiny as follows:
 - **Be Member-led:** that Members own the work programme and decide what evidence to seek. That we ask all Members to take an active role in the scrutiny process, for example by going on visits, taking part in consultation activities with service users, residents and discussions with local organisations as required.
 - **Take a consensual approach:** Effective scrutiny works towards developing a consensus-based view of the service or issue under consideration, focused on the needs of service users and residents and not on party politics.
 - **Be evidence-based:** Scrutiny should take evidence from a wide and balanced range of sources in order to develop a rounded view of the issues under consideration. Recommendations made by scrutiny should be firmly supported by the evidence gathered.
 - **Dive deeper:** Alongside taking a wider and more balanced range of sources, Scrutiny should take 'deeper dives' into the areas of greatest challenge for the Council and those of greatest concern to the public. That is likely to mean focusing on a limited number of items in detail at each meeting.
 - **Provide constructive challenge:** Good scrutiny should foster a style of constructive challenge to the Cabinet and decision-makers, with the support of officers and other witnesses, enabling sharing of views in an open and positive manner.
 - **Seek to amplify the voice and concerns of the public:** Making sure we are looking at topics that can genuinely make a difference to the public and looking to engage the public in the function wherever possible.

Develop Scrutiny Operating Procedures

8. The Council has new Overview and Scrutiny Procedure Rules, adopted by Council in July 2021, these procedure rules set out how the Committees are intended to operate. In order to support delivery of an effective Overview and scrutiny function it is proposed that this procedure be regularly reviewed to ensure it fits with the Council's developing approach to delivering Overview and Scrutiny.

Developing a Cabinet/ Scrutiny Protocol

9. This procedure could be strengthened through the development of a Cabinet/ Scrutiny Protocol as recommended in the statutory guidance for Overview and Scrutiny.

10. It is proposed that such a protocol would further develop and facilitate the working relationship between Scrutiny and Cabinet, good relationships and clear lines of communication between Scrutiny and Cabinet are important to facilitate effective scrutiny that adds value to the work of the council. It is important to set out agreed ways of working, especially at a time when the scrutiny function is developing. It is important to have clarity and clear expectations about communication, attendance at meetings, response times, etc.
11. Effective Scrutiny tends to focus on ensuring it can add value to a selected number of topics in order to maximise its outputs against available resources of Member and Officer time and support. To do this effectively the function needs to innovate in how it deals with items such as annual reports, information items and updates. It is proposed that best practice approaches be examined by officers, working with Committee Chairs, to develop an approach for Oxfordshire Overview and Scrutiny Committees to ensure that these items are not lost but that Committee time remains focused on its core items.

Annual Work Programme Development

12. Effective work programming is the bedrock of an effective scrutiny function. Done well it can help lay the foundations for targeted, incisive, and timely work on issues of local importance, where scrutiny can add value.
13. It is therefore vital that the Council's new approach to Overview and Scrutiny seeks to focus on the 'right' topics in order to maximise the functions' ability to positively contribute to the direction of the Council and the delivery of public services.
14. It is also important that Scrutiny is involved in topics of significant interest and value to Members, Partners and the public. A limited work programme engagement exercise has recently been undertaken, the purpose of this exercise was to provide some initial input to assist Committees in determining a work programme for the remainder of the year. Such an exercise needs further development to better support Committees moving forward.

Developing Support

15. The approach described in this paper will require that both Councillors (chairs and committee members) and officers are provided with support to understand their roles, obligations and responsibilities. Training and development is an important part of the improvement process – it will help councillors and officers to enhance their roles under the new arrangements and ensure that they have additional skills and expertise to further develop the scrutiny function in the future.
16. The Centre for Governance and Scrutiny have been commissioned to deliver a number of development sessions in September, these include:
 - Chair and Vice Chair Training

- Scrutiny Essentials, covering the fundamentals of the function
 - Health Scrutiny Training
17. Ongoing training and development will be key, not just through dedicated training but also through information sharing, examination of best practice and developing briefings on emerging issues and council services.
 18. It is proposed that the Council considers how best to support ongoing training and development.
 19. There is a range of written materials in existence on effective scrutiny, any approach to ongoing development should consider how best to make this information available to Members. Consideration should also be given to developing an Oxfordshire Scrutiny Handbook to support those members tasked with delivering this important function.
 20. Officer support for the function is vital, officers support the function through interaction and engagement with Committees, providing information and answering questions. The Council should also consider through the budget cycle how it can provide further dedicated specialist officer support to directly develop and support the Overview and Scrutiny function.

Financial Implications

This report does not raise any financial implications.

Legal Implications

This report does not raise any legal implications.

Anita Bradley
Director of Law and Governance

Annex: Nil

Background papers: Report to Council 13 July 2021 – Review of Scrutiny Arrangements

Contact Officer: Glenn Watson, Principal Governance Officer
T: 07776997946
E: glenn.watson@oxfordshire.gov.uk

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