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Auditor General for Wales

# Overview and Scrutiny – Fit For the Future? – **Flintshire County Council**

Audit year: 2017-18

Date issued: August 2018

Document reference: 763A2018-19



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# Summary report

## Summary

- 1 This review explored with each of the 22 councils in Wales how ‘fit for the future’ their scrutiny functions are. We considered how councils are responding to current challenges, including the Wellbeing of Future Generations Act 2015 (WFG Act) in relation to their scrutiny activity, as well as how councils are beginning to undertake scrutiny of Public Service Boards (PSBs). We also examined how well placed councils are to respond to future challenges such as continued pressure on public finances and the possible move towards more regional working between local authorities.
- 2 As part of this review we also reviewed the progress that councils have made in addressing the recommendations of our earlier National Improvement Study **Good Scrutiny? Good Question?** (May 2014) (see [Appendix 2](#)). We also followed up on the proposals for improvement relevant to scrutiny that we issued in local reports including those issued to councils as part of our 2016-17 thematic reviews of Savings Planning and Governance Arrangements for Determining Significant Service Changes.
- 3 Our review aimed to:
  - identify approaches to embedding the sustainable development principle into scrutiny processes and practices to inform practice sharing and future work of the Auditor General in relation to the WFG Act;
  - provide assurance that scrutiny functions are well placed to respond to current and future challenges and expectations;
  - help to embed effective scrutiny by elected members from the start of the new electoral cycle; and
  - provide insight into how well councils have responded to the findings of our previous Scrutiny Improvement Study.
- 4 To inform our findings we based our review methodology around the Outcomes and Characteristics for Effective Local Government Overview and Scrutiny that were developed and agreed by scrutiny stakeholders in Wales following our previous National Improvement Study **Good Scrutiny? Good Question?**.
- 5 We carried out our fieldwork during October 2017 and December 2017. We reviewed documents, interviewed officers and ran focus groups with councillors. We did this to understand their views on Flintshire County Council’s (the Council) current scrutiny arrangements. In particular how the Council is approaching and intends to respond to the challenges it faces. We observed a sample of scrutiny meetings and reviewed relevant meeting documentation provided to committee members to support them, such as reports and presentations.
- 6 In this review we concluded the Council values its overview and scrutiny function and is taking steps to promote effective scrutiny, however better work planning,

use of a wider range of scrutiny methods and routine evaluation of the impact of scrutiny activity will help in responding to current and future challenges. We came to this conclusion because:

- the Council has created a positive environment for Overview and Scrutiny to operate effectively, but continuous work is needed to keep up that momentum and ensure that officers and committee members' understanding of and commitment to its purpose is maintained;
- overview and scrutiny Committees are increasing their use of different sources to inform their work and recognise the need to ensure that work planning has more rigour and to consider alternative ways of undertaking scrutiny activity to gather evidence from a wider range of sources; and
- arrangements to evaluate overview and Scrutiny are under-developed.

## Proposals for improvement

7 The table below contains our proposals for ways in which the Council could improve the effectiveness of its overview and scrutiny function to make it better placed to meet current and future challenges.

Exhibit 1: proposals for improvement

Proposals for improvement / Recommendations
<b>P1 The Council should undertake regular self assessment of its overview and scrutiny function, to consider its impact, and identify areas for improvement.</b>
<b>P2 Further develop scrutiny forward work programing to:</b> <ul style="list-style-type: none"> <li>• ensure that the method of scrutiny is best suited to the topic area and the outcome desired, and consider more innovative methods for undertaking scrutiny activity.</li> </ul>
<b>P3 Overview and scrutiny committees should further improve their arrangements for promoting the engagement of the public and other stakeholders in scrutiny activity.</b>
<b>P4 The Council should review the support arrangements for overview and scrutiny in light of current and future challenges.</b>

# Detailed report

The Council values its overview and scrutiny function and is taking steps to promote effective scrutiny, however better work planning, use of a wider range of scrutiny methods and routine evaluation of the impact of scrutiny activity will help in responding to current and future challenges

The Council has created a positive environment for Overview and Scrutiny to operate effectively, but continuous work is needed to keep up that momentum and ensure that officers and committee members' understanding of and commitment to its purpose is maintained

- 8 The Council's governance documents clearly define the role of its Overview and Scrutiny function. For example, the Constitution emphasises the importance of challenge in the scrutiny process, encouraging members to '...not shy away from the need to challenge and question decisions and make constructive criticism'. The Council's Code of Governance reinforces this point, noting the contribution that scrutiny plays as a '...critical friend that provides constructive challenge to support continuous service improvement'. Our discussions with councillors and senior officers suggest that the contribution made by overview and scrutiny to the Council's governance arrangements is well understood and valued. For example, we heard how scrutiny committees can provide a refreshing viewpoint on local priorities, which can influence and add value to the Council's corporate plan.
- 9 Scrutiny committee members told us they receive an appropriate level of training to help them fulfil their role; this includes a member's induction programme and stand-alone workshops covering areas such as roll out of the corporate safeguarding policy. Despite the training, some newly elected councillors found the unfamiliar scrutiny process challenging. However, they acknowledged that their ability to contribute improved as they became more familiar with the procedures and learned from those more experienced. The training, which is generally well attended, is supplemented by additional support and training associated with new and emerging challenges, such as guidance on scrutinising the Public Services Board (PSB). The Council also provided training in chairing skills for committee chairs and vice chairs, to help their committees function effectively.
- 10 The Council has a democratic services manager, supported by two committee facilitators. They service six overview and scrutiny committees and a range of other

committees. Overview and scrutiny committee members spoke highly of the support they receive from the democratic services secretariat. However, they had mixed views about the information provided to committees. Several committee members are concerned about the excessive length of some reports they receive; equally, others believe that some reports do not provide the level of detail they require. Some committee members are also concerned about long reports occasionally being issued at short notice, leaving them with limited time to digest the information. In recent years, the Council has improved the format, structure and general quality of reports presented to councillors, both to scrutiny and to other committees. Striking an appropriate balance between report brevity, clarity, and timeliness which meets the needs of all committee members, is likely to remain a challenge. However, constructive feedback from committees, and clarity on why a topic is being included on committee agenda, will help officers to continue refining their approach to reporting in ways which promote more effective scrutiny.

- 11 The Council reviewed and refreshed its overview and scrutiny committee structure during 2015 to rebalance individual areas of responsibility and promote better alignment with the chief officer and lead member portfolio responsibilities. For example, the remit of the corporate resources overview and scrutiny committee expanded to include partnership working and crime and disorder. Despite the recent review, the Council anticipates further adjustments to committee portfolios in the near future, to reflect new and emerging challenges such as the anticipated growth in regional working.
- 12 The roles and responsibilities of cabinet and committee members and officers involved in the overview and scrutiny process are clearly defined in the Council's policy and guidance documents; these roles support clear accountability. The Council's Leader is an advocate of robust scrutiny; his introduction to the Overview and Scrutiny Annual Report 2016-17<sup>1</sup> acknowledges how Cabinet benefits '...from the collective knowledge and wisdom of a wider cross-section of the Council's membership'. This view is echoed within comments in the same report by the Chief Executive, who acknowledges that '...having a robust and effective critical friend to provide challenge to the Cabinet has improved the quality of decision-making'.
- 13 Our observation of recent overview and scrutiny committees confirmed a good understanding of the appropriate role of executive members at scrutiny committees. The Council routinely complies with statutory guidance covering the presentation of reports to committee<sup>2</sup>. Lead members introduce reports associated with their portfolio area and respond to questions and challenges, supported by

<sup>1</sup> Overview and Scrutiny Annual Report 2016-17, Flintshire County Council.  
<http://www.flintshire.gov.uk/en/PDFFiles/Overview-and-Scrutiny/Overview-Scrutiny-Annual-Report-2016-17.pdf>

<sup>2</sup> '...it is for the elected executive to answer questions about its policies and decisions. When officers appear to answer questions their contribution should, as far as possible, be confined to questions of fact and explanation relating to policies and decisions.' Add DCC footnote source.

senior officers where appropriate. This enables Lead members to be held to account and provides a clear and public demonstration of accountability.

- 14 Arrangements for scrutinising the Public Services Board (PSB) are integrated into the Council's overview and scrutiny committee structure and include reviewing governance arrangements and monitoring progress against the Well-Being Plan. The Council recognises that councillors, particularly those involved in overview and scrutiny, need a good understanding of the PSB and its governance arrangements and held an all-member workshop to raise awareness.
- 15 The officers and councillors we spoke to recognised some of the future challenges facing the scrutiny function, such as resource and budget pressures, and there is a growing awareness about the anticipated growth in regional working. Whilst the Council has not yet developed a systematic approach to regional scrutiny, it expects the scrutiny function to evolve to meet emerging and future challenges. In view of these and other current and future challenges there is an opportunity for the Council to consider how it might best support scrutiny members to help the Council address these challenges. This could include a consideration of the type of training that it could provide linked to specific challenges, as well as the type of officer support that committees may need. There is also an opportunity for the council and scrutiny committees to reflect on their ways of working and to consider if more innovative approaches to planning and undertaking scrutiny activity may be more effective in light of current and future challenges, rather than the current default model of receiving officer reports at full committee meetings.

## Overview and scrutiny Committees are increasing their use of different sources to inform their work and recognise the need to ensure that work planning has more rigour and to consider alternative ways of undertaking scrutiny activity to gather evidence from a wider range of sources

- 16 Like many other councils in Wales, the majority of scrutiny activity takes place at formal committee meetings where officer reports are considered. This means that the majority of evidence provided to committees is from council officers, and the ability of committees to employ more innovative ways of gathering evidence is limited. Although we recognise that overview and scrutiny committees have increased their use of external sources of evidence. For example, external regulators and representatives from other public sector organisations such as the local health board and police regularly attend and often receive a robust challenge.
- 17 However, public engagement with the scrutiny process is less well developed. The Council applied Participation Cymru's 10 Principles for Public Engagement when designing the current overview and scrutiny infrastructure. Members of the public are also encouraged to attend overview and scrutiny meetings, and committee papers are available on the Council's website. Forward work programmes are published in the Council's web site and kept up to date so the

public can see that committees will be discussing. However overview and scrutiny committees rarely seek to proactively engage the public in their work through for example seeking views on topics under consideration or seeking views on potential topics for scrutiny. This may in part be due to the default approach to scrutiny activity of receiving officer reports at full committee meetings.

- 18 Whilst committees rarely proactively seek to gather evidence from a range of sources, there are a few examples where a more proactive approach is being taken. For example, the Social Care and Health Overview and Scrutiny Committee maintains a rota of visits to social care establishments; this provides an opportunity for committee members to interact with, and receive feedback from, service delivery teams and service users. Committee agendas include a standing item requiring members involved in site visits to report back, verbally, to the committee.
- 19 The Council's corporate resources overview and scrutiny committee has primary responsibility for budget scrutiny. However, in recent years, councillors in general, and overview and scrutiny committee members in particular have been encouraged to become better acquainted with the Council's budget, particularly during budget development and setting process. Some members and officers we spoke to felt that this helped to promote greater transparency, stronger governance and wider ownership of the budget, and of the challenges associated with financial pressures facing the public sector. This is important, because financial pressures will continue to influence local decision-making for the foreseeable future and will benefit from a robust approach to budget scrutiny. To address this the Council holds a series of workshops on the budget and has also developed service resilience statements to illustrate to councillors the pressures that services are under.
- 20 The Council's current overview and scrutiny committee structure was established in May 2016. However, the Council intends to revisit the committee structure again during 2018-19 to ensure that committee workloads are suitably balanced. For example, the remit of the Corporate Resources Overview and Scrutiny Committee has expanded to include partnership working and crime and disorder, as well as budget monitoring; this has created a significantly higher workload than for some other committees. Reviewing and reallocating some responsibilities would help to make overview and scrutiny committee workloads more equitable.
- 21 As part of this review we observed some overview and scrutiny committee meetings. Based on our observations we believe there is scope to improve the focus and planning of questioning, and to ensure that discussion and debate also remains focused and enables committees to arrive at clear outcomes.
- 22 The Council has established a systematic approach to developing and updating committee forward work programmes (FWP). However, in practice, the arrangements are not fully implemented. Not all committee members seem to appreciate their ability to influence the FWP's, or the merits of taking a proactive approach to their development. As a consequence, there is limited control of the FWPs by committees. Instead, by default, overview and scrutiny FWPs Council

tend to be officer-led. Committee agendas routinely include the FWP as an item for discussion, as the last item on the agenda. However, our experience of observing committees at the Council, suggests that little, if any, discussion takes place about the FWPs. There is therefore little discussion on the most appropriate method of scrutiny activity for each item, with the assumption being that items will usually be considered solely via officers support.

- 23 By taking responsibility for their FWP's, overview and scrutiny committees would have more opportunity to better prioritise and plan the scrutiny of individual topics. It is also unclear why reports are still presented to committees 'for information', and this does not suggest that officers and members have a full understanding of the role and purpose of overview and scrutiny.
- 24 The Council's overview and Scrutiny members favour pre- rather than post-decision scrutiny, believing that this approach provides more opportunity to influence decisions and to promote good governance. Although there is scope for committees to carry out more reflective work, looking at the impact of past decisions, in practice, resources constraints mean that this happens infrequently.

## Arrangements to evaluate overview and Scrutiny are under-developed

- 25 Overview and Scrutiny committees routinely provide challenge to Cabinet members, service providers and external partners. Although we heard mixed views on the quality of challenge provided by overview and scrutiny committees. Some scrutiny committee members attribute this in part to the quality of information provided within the reports they receive, which they feel influences their ability to provide constructive challenge.
- 26 Officers and members were generally unable to identify many situations where overview and scrutiny committees have provided viable and well-evidenced solutions to recognised problems. A few examples were highlighted where committee members have taken a more proactive approach to the scrutiny of individual topics. The example most often cited to the development of revised options for household waste recycling sites across the County. Other examples were:
  - further development of the budget process;
  - contributing to the development of the Growth Vision for North Wales;
  - changes to Household Recycling centres;
  - the car park strategy;
  - introduction of dog DNA; and
  - the active involvement in the development of the alternative delivery models and community asset transfers.
- 27 Although the Council routinely produces an annual report on the activities of its overview and scrutiny committees, the report describes the issues discussed by committees rather than evaluate the impact of scrutiny activity. The absence of

routine and robust self-evaluation arrangements for the overview and scrutiny function limits the Council's ability to identify opportunities to strengthen arrangements and improve the effectiveness of the function.

# Appendix 1

## Outcomes and characteristics for effective local government overview and scrutiny

Exhibit 2: outcomes and characteristics for effective local government overview and scrutiny

Outcomes	Characteristics
<b>What does good scrutiny seek to achieve?</b>	<b>What would it look like? How could we recognise it?</b>
<b>1. Democratic accountability drives improvement in public services. 'Better Services'</b>	<b>Environment</b> i) Scrutiny has a clearly defined and valued role in the council's improvement arrangements. ii) Scrutiny has the dedicated officer support it needs from officers who are able to undertake independent research effectively, and provide Scrutiny members with high-quality analysis, advice and training. <b>Practice</b> iii) Overview and Scrutiny inquiries are non-political, methodologically sound and incorporate a wide range of evidence and perspectives. <b>Impact</b> iv) Overview and scrutiny regularly engages in evidence based challenge of decision makers and service providers. v) Scrutiny provides viable and well evidenced solutions to recognised problems.

Outcomes	Characteristics
<p><b>What does good scrutiny seek to achieve?</b></p>	<p><b>What would it look like? How could we recognise it?</b></p>
<p><b>2. Democratic decision making is accountable, inclusive and robust. 'Better decisions'</b></p>	<p><b>Environment</b></p> <ul style="list-style-type: none"> <li>i) Scrutiny councillors have the training and development opportunities they need to undertake their role effectively.</li> <li>ii) The process receives effective support from the Council's Corporate Management Team which ensures that information provided to scrutiny is of high quality and is provided in a timely and consistent manner.</li> </ul> <p><b>Practice</b></p> <ul style="list-style-type: none"> <li>iii) Scrutiny is Member led and has 'ownership' of its work programme taking into account the views of the public, partners and regulators whilst balancing between prioritising community concerns against issues of strategic risk and importance.</li> <li>iv) Stakeholders have the ability to contribute to the development and delivery of scrutiny forward work programmes.</li> <li>v) Overview and scrutiny meetings and activities are well-planned, chaired effectively and make best use of the resources available to it.</li> </ul> <p><b>Impact</b></p> <ul style="list-style-type: none"> <li>vi) Non-executive Members provide an evidence based check and balance to Executive decision making.</li> <li>vii) Decision makers give public account for themselves at scrutiny committees for their portfolio responsibilities.</li> </ul>
<p><b>3. The public is engaged in democratic debate about the current and future delivery of public services.</b></p>	<p><b>Environment</b></p> <ul style="list-style-type: none"> <li>i) Scrutiny is recognised by the Executive and Corporate Management team as an important council mechanism for community engagement.</li> </ul> <p><b>Practice</b></p> <ul style="list-style-type: none"> <li>ii) Scrutiny is characterised by effective communication to raise awareness of, and encourage participation in democratic accountability.</li> <li>iii) Scrutiny operates non-politically and deals effectively with sensitive political issues, tension and conflict.</li> <li>iv) Scrutiny builds trust and good relationships with a wide variety of internal and external stakeholders.</li> </ul> <p><b>Impact</b></p> <ul style="list-style-type: none"> <li>v) Overview and scrutiny enables the 'voice' of local people and communities across the area to be heard as part of decision and policy-making processes.</li> </ul>

## Appendix 2

### Recommendations from the report of the Auditor General's national improvement study 'Good Scrutiny? Good Question?' (May 2014)

Exhibit 3: recommendations from **Good Scrutiny? Good Question?** Scrutiny Improvement Study

Recommendation	Responsible Partners
R1 Clarify the role of executive members and senior officers in contributing to scrutiny.	Councils, Welsh Government, Welsh Local Government Association
R2 Ensure that scrutiny members, and specifically scrutiny chairs, receive training and support to fully equip them with the skills required to undertake effective scrutiny.	Councils, Welsh Government, Welsh Local Government Association
R3 Further develop scrutiny forward work programming to : <ul style="list-style-type: none"> <li>• provide a clear rationale for topic selection;</li> <li>• be more outcome focussed</li> <li>• ensure that the method of scrutiny is best suited to the topic area and the outcome desired; and</li> <li>• align scrutiny programmes with the council's performance management, self-evaluation and improvement arrangements.</li> </ul>	Councils
R4 Ensure that scrutiny draws effectively on the work of audit, inspection and regulation and that its activities are complementary with the work of external review bodies.	Councils, Staff of the Wales Audit Office, CSSIW, Estyn
R5 Ensure that external review bodies take account of scrutiny work programmes and the outputs of scrutiny activity, where appropriate, in planning and delivering their work.	Staff of the Wales Audit Office, CSSIW, Estyn

Recommendation	Responsible Partners
R6 Ensure that the impact of scrutiny is properly evaluated and acted upon to improve the function's effectiveness; including following up on proposed actions and examining outcomes.	Councils, Welsh Government, Welsh Local Government Association
R7 Undertake regular self-evaluation of scrutiny utilising the 'outcomes and characteristics of effective local government overview and scrutiny' developed by the Wales Overview & Scrutiny Officers' Network.	Council
R8 Implement scrutiny improvement action plans developed from the Wales Audit Office improvement study.	Councils
R9 Adopt Participation Cymru's 10 Principles for Public Engagement in improving the way scrutiny engages with the public and stakeholders.	Councils

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