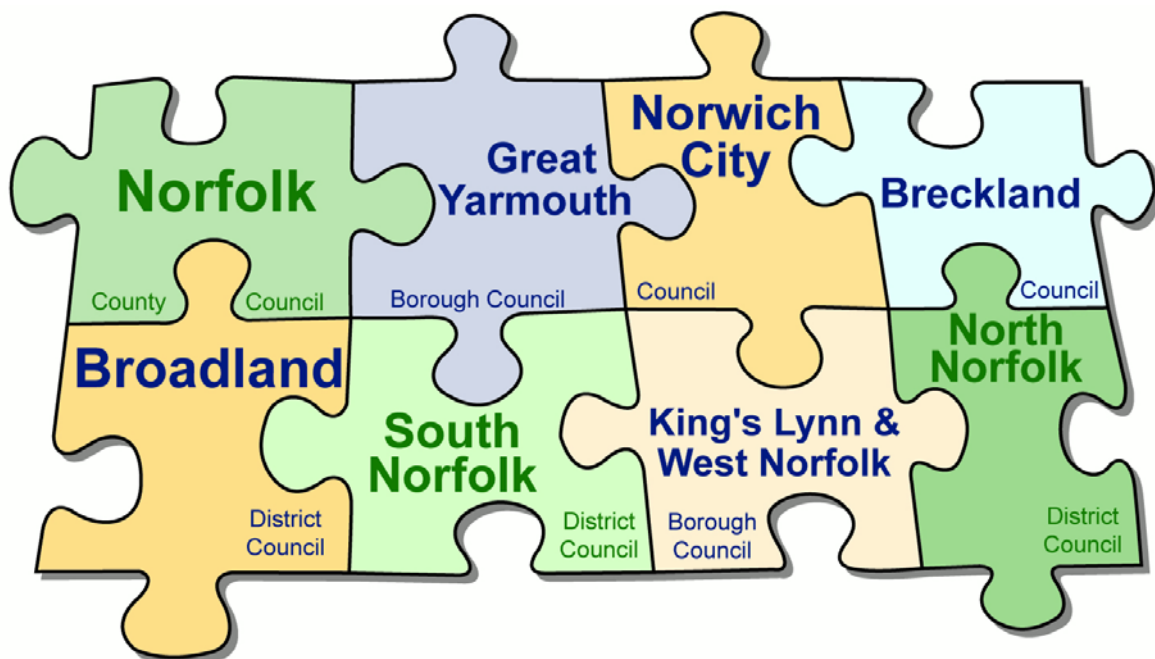


Norfolk Scrutiny Network Conference

Friday 16 November 2007

Held at the UEA Sportspark



Keynote Speakers

Chair of the Conference – Shaun Lowthorpe (EDP)

“present it to the media in the right way – scrutiny can be a winner”

Shaun Lowthorpe, the Public Affairs Correspondent of the Eastern Daily Press, and Chair of Conference opened the event by giving his perspective on scrutiny as a local journalist.

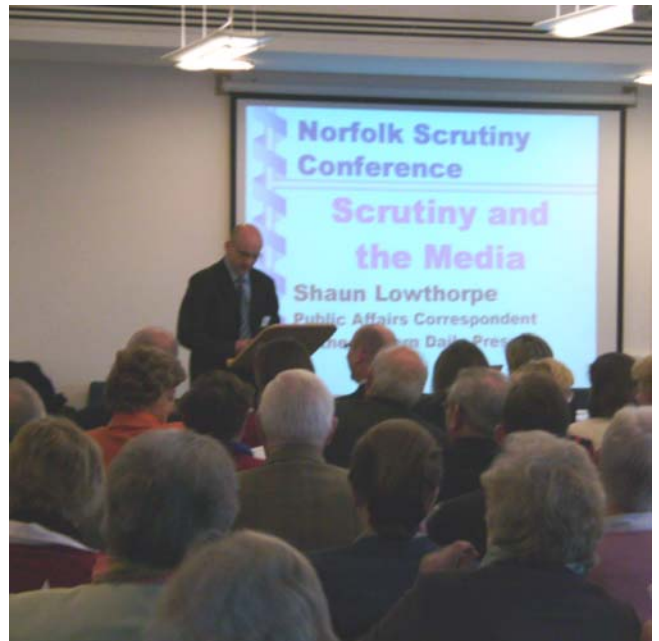
He contrasted what local politicians and Councils identified as worthy of scrutiny, with that which the media would view as of widespread public interest.

Engagement with issues affecting people and communities in a direct sense, he felt, constituted the real strengths of public scrutiny, rather than consideration of more dry and arcane subjects. Mr Lowthorpe stated that the issue of public accountability was paramount as Councils and councillors were responsible for spending multi million pound budgets on behalf of the people they represented.

With regard to the current Government White Paper, he felt an opportunity had been missed in more direct public engagement within the realms of scrutiny and accountability.

However if scrutiny is focussed on issues of widespread and genuine public interest and presented in the most effective way, coupled with the involvement of the media, the profile of scrutiny would be boosted. As an example Mr Lowthorpe referred to the scrutiny of Royal Mail undertaken by the County Council.

Mr Lowthorpe further highlighted several scrutiny topics that he had covered in his professional role, and drew attention to the subsequent articles that he had written which were published in the EDP. He stressed the importance of scrutiny making a difference and in this regard he contrasted a story concerning water resource shortages for new build developments with the lauded seminal study undertaken on Dying with Dignity.



The latter was an example of both good headlines and good scrutiny, whereas the former produced headlines but arguably nothing had changed as a result of the scrutiny.

The practice of granting majority party scrutiny Chairs was questioned and it was suggested that this might be a retrograde step with regard to effective accountability.

The development of council audit committees was also questioned and it was felt that this was a retrograde step when scrutiny committees were surely already empowered to investigate budgetary and financial issues. Keeping such matters solely within the purview of the executive was not considered to be healthy in a representative democracy and Mr Lowthorpe strongly argued that the non-executive should be meaningfully involved in scrutinising such matters as budgets and finance.

The Improvement Agenda Richard Grice (IdeA)

"local knowledge is vital and things could not be directed from Whitehall"



Richard Grice set the scene by talking about the challenges facing local government. He said there were increased public expectations of responsiveness and a customised service. However, there was a lack of trust. Ultimately, the challenges are local. Fragmentation and variation (eg in health, employment, households and communities) meant that local knowledge was vital and as the challenges differed from one place to another things could not be directed from Whitehall.

The New Performance Framework

- A new generation of local area agreements to deliver key local priorities for citizens.
- A reduced burden of reporting against a much smaller set of 198 performance indicators
- A more proportionate and outcome focussed assessment through Comprehensive Area Assessment (CAA) which replaces Comprehensive Performance Assessment (CPA).
- A more rationalised and devolutionary approach to improvement and efficiency support.

All local authorities are required to develop a new LAA with government by June 2008. There is a statutory duty on named partners to co-operate in the development and delivery of the new LAA which will consist of up to 35 agreed priorities/targets. LAAs must give a strong 'sense of place' building on the sustainable community strategy.

From April 2009, CAA will replace CPA which focussed on services provided by local authorities. CAA will look at the public services in an area delivered by councils and their partners including the private and voluntary sectors.

Guidance was expected soon from the Audit Commission and other public service inspectorates. CAA will include:

- Annual area 'risk assessment'
- annual scored Use of Resources judgement for every local authority
- annual scored Direction of Travel judgements for local authorities
- annual publication of performance in each area against the set of 198 national indicators
- judgements for any inspections triggered primarily on the basis of the risk assessment

Undertaking self-assessment will be an important part of CAA and will give councils the opportunity to assess where they are and where they needed to go. The IDeA was working with a number of councils on self-assessment as a key tool for driving improvement.

He suggested that there were a number of key questions around CAA and whether it would live up to expectation, including –

- will this model really focus on citizens – do we understand citizen needs.
- will it focus on outcomes.
- will it reduce the burden – do Use of Resources and Direction of Travel add value.
- will it stifle innovation – will language of risk result in unambitious LAA targets.
- will it focus on the area – can we even define the area.

National Improvement Strategy

The Treasury Value for Money Review of Improvement Support had been an early driver behind a national improvement strategy which was signalled in the Local Government White Paper. The review looked at the effectiveness of funding streams supporting improvement and whilst the initial conclusions were positive, things could be even better.

He suggested that a new national improvement strategy would, for local government, mean the following:

- a joint/local strategy – setting improvement priorities for the next spending review period.
- a more rationalised/devolutionary sector led approach to improvement support, resource and intervention from across government.
- based on principle that government is secured as the sector, with its partners, takes on greater ownership.
- a commitment from government to replace external/government led performance interventions with more sector led improvement support solutions over time.

Local Government and Public Involvement in Health Act Gareth Wall (CfPS)

"Any Member of Council will be able to refer an item to any Council Scrutiny Committee."

The Impact of the new legislation on Overview and Scrutiny Committees was detailed:

- Crime and Disorder Act Review – January 2006
- Police and Justice Act 2006
- Strong and Prosperous Communities, White Paper 2006
- Local Government and Public Involvement in Health Bill 2007

Gareth explained we were awaiting the results of the police review in order to then implement the Call for Action changes. These changes will be to the Councillor Call for Action and they will take place after April 2008. Scrutiny of the Crime and Disorder Reduction Partnerships will also take place after April 2008.

Powers introduced by the Police and Justice Act 2006 will result in the amended Community Call for Action to (Councillor Call for Action) and the Crime and Disorder Scrutiny Committee (the Scrutiny Committee could take on the role of scrutinising the CDRP).



The Role of the Crime and Disorder Scrutiny Committee will be to ensure that the national minimum standards are applied and contribute to the national minimum standards. Ensuring that local issues of concern are taken up along with discretionary Scrutiny of issues that are known to be of concern to the local community. Scrutiny will be able to hold to account any Partnerships responsible for Crime and Disorder.

The new powers introduced by the Local Government and Public Involvement in Health Act 2007 will mean the Councillor Call for Action being implemented, delegated decision making in wards and scrutiny being able to require information from many more partner authorities. There is a need to ensure for example in the LSP, that representatives from all relevant stakeholders work together and that they all contribute to the risk assessment that will form part of the new Local Area Agreement.

Any Member of Council will be able to refer an item to any Council Scrutiny Committee. Section 236 states that the Council can give responsibility to the Councillor for any Council function carried out in their ward. A filter should be in place to ensure that Scrutiny Committees do not get overburdened. There are 21 partner bodies who must now respond to the scrutiny committee, which include the Highways Agency, Environment Agency, Police and the Primary Care Trust. Full Council should respond to Scrutiny Recommendations within 2 months and Partner Agencies should have regard for the Scrutiny Committee although they are not bound by them.

Suffolk County Council have a Local Area Agreement Joint Scrutiny Panel and this reviews outcomes and forwards these to the LSP Strategic Board. The Scrutiny Panel would look at the targets to see if the public were happy with the services provided via the LAA targets.

Better Scrutiny of External Organisations Chris Coath – Norfolk County Council

"What a GREAT time to be involved in scrutiny!"



Chris Coath introduced his subject by explaining scrutiny now has established processes and with the extra powers soon to be added, even more excellent results from scrutiny could be expected.

External scrutiny is all about scrutinising something outside of your direct control, which can make it difficult. Most external bodies do not have to cooperate but many do voluntarily which can lead to enhanced partnership working. External scrutiny is also the hardest to do well, particularly as you have no sanctions and have to rely on good will.

The obvious question is, if it's so hard, why do it? Chris talked about a number of reasons, including the community leadership aspect, the opportunity for good publicity, raising awareness of the issue generally (with members and the public), the chance to form links with outside bodies and the chance that external witnesses can bring a fresh perspective to your own council.

Health scrutiny is an excellent model for external scrutiny as it has been operating for some years, it is purely external and is recognised by many, including the Department of Health, the NHS and local authorities as being effective. When successful, health scrutiny represents citizens' views, it can hold the health sector to account locally, encourage change within the NHS and really make a difference to citizens' health.

Chris went on to describe a particular success for the Health Overview and Scrutiny Committee at the County Council. A report entitled "How we Manage Death and Dying" has been hailed as a real success elsewhere. The reasons for undertaking the scrutiny, the methodology and the outcomes were described by Chris. Included in the outcomes were that a joint action plan between Health and Social Care was set up, the plan was used by the Strategic Health Authority, the methodology has been used by other NHS bodies and it attracted significant media interest.

A number of methods of ensuring better scrutiny were outlined by Chris, which included:

- Sufficient officer support
- A balance of work types, i.e. policy review, monitoring, external, budget scrutiny etc.
- Small groups – more effective than large committees
- Good scoping of the topic
- Effective questioning of witnesses
- Effective chairing and most importantly:
- **Choosing the right topic**

The Workshops

The Four Principles of Scrutiny Matthew Cross – Broadland District Council

The morning and afternoon workshops both considered the same questions:

- What do you think are the basic principles of good scrutiny and what does it mean to be a good scrutineer?
- Can we identify some principles for Norfolk?

By way of introduction, Matthew referred to the CfPS principles of good scrutiny, which in summary were:

- Provides critical friend challenge
- Enables the voice and concerns of the public to be heard
- Is carried out by independent minded governors
- Drives improvement in public services

He then highlighted some points for Members to prompt discussion. These were aimed at both Members new to scrutiny and others who had been on scrutiny committees for a while. Both groups may have different experiences of scrutiny within their Authorities and possibly outside too through membership of school governing bodies for example.

On the question of identifying the **basic principles** of good scrutiny, the groups came up with a number of features. Being a critical friend to the executive came up quite often. Other frequently mentioned principles included being focused on outcomes and improvements, looking at the big picture and basing recommendations on evidence. The workshops also highlighted the link between good scrutiny and accountability to the public, with mention being made of looking at issues which reflected the concerns of residents.

The discussions of what it means to be a **good scrutineer** highlighted personal qualities, such as having a curious and analytical mind, being tenacious, acting with honesty and integrity as well as being objective and constructive. Other factors were also mentioned, such as being committed to scrutiny training and to show commitment to scrutiny as a function.

The feedback sessions focused quite heavily on discussions about whether scrutiny members should be non-political and there were strong arguments made to support the principle that the scrutiny committee chairman should be from an opposition group. There were also references to the need for the chairman to demonstrate impartiality in meetings, for example in how they sum up at the end of scrutiny debates. Possessing a large dose of common sense was also seen as invaluable for all scrutiny members!

Developing a Scrutiny Work Programme

Mark Mower – Management Consultant

In constructing a Scrutiny Work Programme the Scrutiny Committee enjoys a wide remit. This can cause problems and a degree of realism is required in terms of what can be achieved. Scrutiny reviews should be timetabled and regard should be given to Member and Officer capacity/ability to carry out any review to a useful conclusion. Where there is no 'Dedicated Scrutiny Support' this would be especially important.

In drawing up a Work Programme, Scrutiny Committees should also consider matters affecting the area and or its residents and build in provision for Call – ins of Cabinet/Executive decisions not yet implemented or enacted.

Look at the Council's priorities for the coming year as well as any anticipated internal and external inspections and reviews. Anticipated key decisions of the Cabinet/Executive should be considered for inclusion on the Scrutiny Committee's Work programme.

Key performance topics for the Scrutiny Committee Work Programme could be Priorities for the Council over the next twelve months, Scrutiny of inspection reports such as action plans and Best Value Reviews and the provision for Scrutiny Committee responses to consultation documents. It may also be relevant for the Scrutiny Committee to look into issues that have been raised via the District Auditor's annual management letter or any internal audit reports.

Consideration should be given to looking at areas of weak performance and how this could be addressed. Scrutiny Committees could build the monitoring of proposed action plans into their Work Programmes. And may need to make recommendations to the Cabinet/Executive Committee.

Most Local Authority Scrutiny Committee Work Programmes include the examination of Cabinet/Executive decisions relating to Council Services and sometimes it can be more useful to pre – Scrutinise an issue before the Cabinet/Executive have made their decision as this adds to the robustness of the decision and enables a wider understanding of a topic among Members.

In identifying topics for Scrutiny review(s) items should be assessed to see if they will contribute to the Council's priorities and how? If there are issues of poor performance, how and where are they identified and is the issue important to the local residents? If so, Why? Members may also wish to consider if any new or emerging Government Guidance or legislation will require changes to the Council's policies.

It is important that there be a good working relationship between the Cabinet/Executive and the Scrutiny Committee. The Scrutiny Committee should welcome and invite suggestions for specific issues that the Cabinet/Executive would welcome the Scrutiny Committee's ability to look at topics and areas of work in a more detailed way. These types of Scrutiny Topic could be worked in different ways that best address the issues as part of a planned Work Programme.

The Scrutiny Committee could look at a complete policy area and monitor performance against objectives and targets. Monitoring could be set at regular intervals within the Committee's Work Programme. Concerns could then be reported back to the Cabinet/Executive. Another approach could be to select specific issues and look in greater detail at priorities and action plans. This may best be approached by setting a task and finish group to work on behalf of the Scrutiny Committee.

Scrutinising Partnerships

Alan Waters – LGIU

This subject was considered to be particularly timely as partnerships in general and the LSPs, County Strategic Partnership and LAAs in particular have become very important to elected Members as the influence and role of these partnerships continues to expand.

The enactment of the Local Government and Public Involvement in Health Act further highlighted the enhanced role for local authority Members in terms of

working in partnership to scrutinise external bodies and local partnerships themselves.

Members worked in small groups to identify what would be the key areas to focus on when scrutinising partnerships. There was a strong feeling that elected Members did not have sufficient involvement in many of the partnerships.

Specific Issues that were identified include:

- The need for transparency and for all councillors to be involved
- Communication
- Accountability
- Clear links and effective relationships between partners
- Clarity of purpose
- Scrutiny arrangements

- How do councillors become involved
- What is the purpose of the partnership
- Budget – where from, how much and how is it monitored
- How are its priorities set
- What targets does it have – and is it meeting them
- Is it able to promote change
- Is it self sufficient
- Is it being driven forward effectively
- Has it got the right people on it

- Needs clear definition of purpose, outcomes and clarity around monitoring
- Who carries the risk
- Is there a lead partner – who are they responsible to
- Who sets the budget and who is responsible for it.
- Good lines of communication are essential within and beyond the partnership.
- How do people get appointed and who monitors this.
- What skills/knowledge/experience do they have
- Need to ensure partnerships are not duplicating activity
- Should have a clear exit strategy.

Scrutiny of Performance

Sue Jewkes – Audit Commission

Sue Jewkes is the Audit Commission's Relationship Manager for the Norfolk Area. Her team are responsible for all the Audit Commission performance and inspection work that is carried out in this area.

Although the outcomes of the decisions regarding unitary local government would affect the future delivery of Scrutiny, the workshop was about the sort of things that happened now.

Scrutiny had many purposes. One of its key functions was to challenge performance and help improve services. In order to do this effectively it was essential to have the right tools for the job. With the right tools Members could have the confidence to challenge performance if necessary rather than "receive and note" the report. The word "noted" in the minutes told the reader nothing.

Performance information supplied to Members often included huge packets of paper that were long and complicated. Receiving all information electronically was too extreme but an over-profusion of paper was just as bad.

Performance management software had been introduced in the last few years. The

systems were good but could generate too much information.

Performance information should give clarity about the council's key priorities and which indicators were most important to the delivery of those priorities. The "hot" topics – areas of significant under-performance – needed to be identified. An accompanying report should provide a summary of which PIs were on target and which were moving in the right direction. It was also helpful to have comparative information – with different years, with other councils.

When scrutinising performance Members needed to look first at the indicators that concerned the council's main priorities. Figures could be misleading and it was essential to challenge, if necessary. Rather than listening to, and accepting, officers' explanations, Members should probe and conduct robust investigations. The Scrutiny Committee could, for example, form a working group which would produce a report with recommendations to Cabinet.

Members looked at and discussed performance management reports from councils in Norfolk and made the following observations:

- Some reports were difficult to read, long and dull.
- "Traffic lights" etc depended on the availability of a colour printer to be effective.
- Some reports did not include a summary of information at the front.
- Some information, for example "127 targets have been met" was meaningless.
- Information was included that assumed prior knowledge.
- Reports should only be made regarding the "hot spots" – not all the PIs.
- Some of the information was hard to understand as it was presented inconsistently.
- Too many acronyms were used.
- Too much jargon was used.
- It was helpful when good and bad performance was highlighted.
- Performance information should be given to Members early enough for them to consider it properly.

For more information about any aspect of the conference, please contact:

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