

Archwilydd Cyffredinol Cymru
Auditor General for Wales

Discussion Paper: Six themes to help make scrutiny 'Fit for the Future'



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This document was produced by Tim Buckle under the direction of Huw Rees.

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Mae'r ddogfen hon hefyd ar gael yn Gymraeg. This document is also available in Welsh.

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Background

During 2017-18 we explored with each of the 22 principal 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 scrutinise Public Service Boards (PSBs). We also examined how well placed councils' overview and scrutiny functions are to respond to future challenges such as continued pressure on public finances and the possible move towards more regional working between local authorities.

We issued separate reports with proposals for improvement to each of the 22 principal councils. In this discussion paper, we took the key themes arising from our work and presented them as a checklist that Councils can use to consider the efficiency and effectiveness of their arrangements.

Key themes for improving the effectiveness of overview and scrutiny

Through our review we identified six key areas which we think many councils could reflect on to improve the efficiency and effectiveness of their scrutiny functions. The areas we identified are:



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Clarifying roles and responsibilities is still necessary in some councils and is a pre-requisite to successful scrutiny

In some councils there remains some fundamental confusion and misunderstanding around roles and responsibilities for overview and scrutiny in practice. This is illustrated most clearly in a number of councils where typically senior officers rather than Cabinet members give account and are held to account at scrutiny committee meetings. One of the key roles of scrutiny as part of political management in arrangements in Welsh local government is to hold the executive to account for the efficient exercise of executive functions. It is notable therefore that several councils have yet to demonstrate a clear understanding of this, despite the National Assembly for Wales issue of Guidance¹ on this in 2006 .

We found, albeit to a lesser extent, a lack of clarity around the role of scrutiny committees in various aspects of council governance, and around why some information/items were being considered by scrutiny committees.

We also found in a number of councils that scrutiny work programmes are not planned and 'owned' by scrutiny members. This suggests a lack of understanding and therefore ownership of the scrutiny function by non-executive councillors.

Without properly considering and understanding the role that committees are trying to perform and the powers and options open to them, those charged with carrying out overview and scrutiny are at a fundamental disadvantage. They may be far less likely to select appropriate topics, and methodologies for examining them and arrive at impactful conclusions. Similarly, if cabinet members who are to be held to account and the officers who support them are also not clear on their roles, this is also likely to hinder the effectiveness of scrutiny. It is perhaps surprising that we found some aspects where roles were confused in a number of councils, despite it being 18 years since the Local Government Act 2000 was passed, and for example 12 years since the National Assembly for Wales Guidance explicitly set out some aspects of roles that in practice remain confused.

What action could councils take?

Councils should consider whether elected members and officers have a sound understanding of roles and responsibilities. And what this means for the way in which scrutiny functions and support are structured; and scrutiny activity is planned and conducted.

1 Good Scrutiny? Good Question! – Auditor General for Wales improvement study: Scrutiny in Local Government



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Many councils continue to recognise a need to improve public engagement in scrutiny but in many councils this will require a step change in scrutiny practice

“Most councils recognise that the extent to which scrutiny committees ensure that the voice of local people is heard as part of local decision-making is an area that needs to improve. During the study some councils referred to the need to develop a public engagement strategy for scrutiny, as well as the need to improve engagement of the public in the planning of scrutiny work. Broadening and improving engagement with partners was also recognised by councils as an area for development.”²

The above quote is from the report of the Auditor General’s Scrutiny Improvement Study ‘Good Scrutiny? Good Question’ published in 2014. Despite this the need to engage the public in overview and scrutiny is still recognised by many councils as an area they need to improve. There are plenty of examples of councils engaging the public as part of planned scrutiny activity but improved communication technology, the growth of social media and rising public expectations all mean that there are new opportunities to engage communities as well as through more ‘traditional’ methods. The WFG Act also requires councils to ‘involve’ communities in acting in accordance with the sustainable development principle. Scrutiny can play an important role in helping and challenging executives to do this.

What action could councils take?

In light of current and future challenges councils have an opportunity to re-evaluate what they are trying to achieve in terms of public engagement and consider whether a fundamental re-think of the way in which they plan and undertake scrutiny activity will help to achieve this. As part of this they could consider:

- clearly defining their ambitions in terms of seeking to engage the public in overview and scrutiny;
- how improved technology can help them to engage more easily and cost-effectively;
- if the way in which scrutiny functions ‘operate’ is conducive to proactive public engagement and involvement of other stakeholders; and
- if they have the appropriate support in place in terms of officers with the right knowledge, skills and experience as well as training, development and ICT support for members to enable scrutiny functions to properly and proactively engage with the public.

² Good Scrutiny? Good Question! – Auditor General for Wales improvement study: Scrutiny in Local Government



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Councils should reflect on the rigour with which they prioritise and then plan scrutiny activity to improve its impact

In most councils we found the default approach to work planning as being able to select a number of topics, and then to request officer reports on those topics to be presented at full committee meetings. More planning and consideration of methods is typically undertaken for task and finish groups, but usually these are undertaken for a relatively small number of items when compared with the number of officer reports that are prepared. As we noted above, there remains in some councils a fundamental lack of awareness that scrutiny committee members are able to formulate their own work programmes. The number of agenda items/work programme items varies, but overall many committees are probably still trying to consider too much in not enough detail which in turn limits their ability to gather evidence from a range of sources. This makes it difficult for them to arrive to well-evidenced solutions to recognised problems. Developments in technology and the potential to gather views, data and other forms of evidence more quickly and cost effectively could present opportunities to better inform the work of scrutiny functions. When we asked councils for examples of scrutiny activity that have had a significant impact, they were often able to point to only a few examples over a number of years. We also found that most of the examples tended to involve task and finish group work or similar, despite the vast majority of scrutiny activity being undertaken through receipt of officer reports at committee meetings. Aside from this approach having a limited impact, the time and resources taken to prepare and present numerous reports is considerable. There is an obvious question for councils to ask themselves regarding the value for money of this approach.

What action could councils take?

Councils should consider whether the way in which scrutiny activity is planned and undertaken:

- is sufficiently well prioritised, taking into account how much time and resource may be needed to ‘properly’ scrutinise topics, based on an appropriate methodology and hence, the implications for the number of items that committees can properly consider;
- properly considers the options and methods that could be used to approach scrutiny of every topic, rather than just a few topics;
- aligns with the roles and intended outcomes of the scrutiny function, and that choice of topics and methodologies are designed to deliver against these, rather than necessarily ‘defaulting’ to considering the majority of items at full committee in the form of officer reports; and
- actively considers how emerging technologies could be used to improve the evidence base for scrutiny, to inform both topic selection as part of work programming, and the findings and recommendations of scrutiny work.



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Responding to current and future challenges may need a different approach to supporting scrutiny committee members

It is timely for councils to review the type of scrutiny support and training they provide to overview and scrutiny committee members. We suggest there are two reasons for this. Firstly because in those councils where roles remain confused (see above) after almost two decades, a different approach to supporting members to understand their roles, responsibilities and powers in relation to scrutiny may be needed. Secondly, councils should assure themselves that they can make the most of the opportunities and mitigate against the potential risks associated with social media, new technologies, rising public expectations, new roles for scrutiny (eg in relation to Public Service Boards) and the variety of other changes that have and will continue to impact on scrutiny functions. We recognise the financial pressures facing councils, and we are not proposing that this is necessarily about increasing the resources dedicated to scrutiny but it may be about deploying resources differently and/or upskilling existing support.

What action could councils take?

Councils should consider:

- what their scrutiny functions are trying to achieve, and whether current arrangements for officer support; and training and development will help them to achieve this;
- if there is a need to upskill officers who work in support of scrutiny;
- working more effectively with other parts of the council and/or with other organisations to improve the range of skills and knowledge available to support scrutiny; and
- re-designing approaches to training and development programmes for scrutiny members.



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Evaluating the effectiveness of scrutiny

Most councils do not routinely consider the effectiveness and impact of their scrutiny functions relative to the amount of resource in terms of money and time dedicated to them. We looked at a number of scrutiny 'Annual Reports' and found that often they 'describe' the work undertaken, or topics considered by committees, rather than 'evaluate' the effectiveness of arrangements and the impact made.

What action could councils take?

Given some of our observations above which suggest that roles are still not always clear, and there remains a 'traditional' approach to scrutiny topics in many councils, regular reviews of the effectiveness of arrangements that are subsequently acted on may be a key way of addressing some of these long-standing issues.



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Welsh government and councils should consider the implications of the above themes for councils' and partnership governance arrangements

As a consequence of the above themes, in many councils scrutiny has failed to reach its potential and does not yet effectively hold decision makers to account or for example regularly arrive at well-evidenced solutions to recognised problems. This has implications for the robustness of councils' own governance and self-evaluation arrangements. And particularly in the light of the WFG Act, for the ability of scrutiny members to hold council executives and other partners to account, and specifically to scrutinise PSBs effectively.

What action could councils and the Welsh Government take?

Councils and the Welsh Government should reflect on:

- the extent to which they can place reliance on local authority scrutiny functions in their current form; and
- what this might mean for the expectations placed on scrutiny functions both within Councils' own governance and management arrangements and any associated guidance.





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