By: Richard Parry – Chairman of the Scrutiny Committee
Peter Sass – Head of Democratic Services

To: Scrutiny Committee – 12 December 2014

Subject: Scrutiny Committee Work Programme

Summary: This report suggests ways to facilitate the work of the Committee in a manner that will most benefit the council and make best use Members' time and knowledge. The recommendations meet the need for flexibility and transparency, providing a robust system that encourages scrutiny and facilitates constructive dialogue between the political groups.

1. Background

1.1 Following the discussion about the role of the Scrutiny Committee on 12 June 2014, it was agreed that a draft work programme would be developed in consultation the Chairman and the Spokesmen. A suggested draft work programme is attached at **Appendix 1**.

1.2 The overall aims of the Scrutiny Committee can be best achieved through a combination of positive suggestions and recommendations alongside the challenging and questioning of decision making processes and decision-makers. Key to this is the Scrutiny Committee acting as a 'critical friend' in a positive and constructive manner.

2. Scrutiny Committee – remit

2.1 The powers and responsibilities of the Scrutiny Committee are described in the Constitution – Appendix 2 Part 2. This section also details other functions that the Scrutiny Committee is required to fulfil, either through sub-committees or by meeting in a different format, i.e. Crime and Disorder Committee, Flood Risk Management Committee and Select Committees (**Appendix 2**).

2.2 The Committee can require Cabinet Members and senior managers to attend and answer questions, although Members may also seek alternative means of accessing information, e.g. via informal briefings with officers, and can utilise the support of the Scrutiny Research Officer.

2.3 Members also have a statutory right to place items on the Scrutiny Committee agenda. When exercising this right they should be mindful of the requirements that this should not unnecessarily duplicate work being undertaken elsewhere and that consideration of this item should result in a meaningful outcome – see para. 4.6 for the recommended agenda item criteria.

3.   Sources of Information for Scrutiny Committee Members

3.1   In order for Members of the Committee to be in an informed position to put forward items for consideration at their meetings which add value, there are a number of sources of information that Members can use. These include the following:

(a)   Key Performance Indicators (KPIs), Risk Register & Budget Monitoring:

3.2   Currently, the main Council performance report goes to Cabinet on a quarterly basis and could be circulated to Scrutiny Committee Members at that time.

KPIs

3.3   When the Chairman and Spokesmen meet to agree items for the agenda they could discuss any requests from Committee Members for specific KPIs to be considered by the Committee in more detail. They could also ask for further information on specific KPIs via the Scrutiny Research Officer before deciding if there should be an item on that specific KPI.

3.4   If it is agreed that a KPI should be considered in more detail at the Scrutiny Committee meeting, then the relevant Cabinet Member and Director should be invited to attend.

Risk Register

3.5   The Corporate Risk Register could be used in the same way. Members should review any issue that has been flagged in the register and consider whether it should be added as a future agenda item. An initial update or response from the service may be requested in the first instance to clarify the nature of the risk, which could either be discussed by the Chairman and Spokesmen at the next agenda setting meeting or presented at the next Scrutiny Committee meeting as a written update. The Committee may then agree that the response is sufficient or decide that more detail is required and the Director and Cabinet Member may be invited to attend a future Committee meeting.

Budget Monitoring Information

3.6   Budget Monitoring Information would also be a useful source of information that would allow the Committee to consider the council's financial activity. Taken in conjunction with the other recommended information sources, the Budget Monitoring Information would ensure the Committee has the capacity to examine all aspects of the council's activities with sufficient context. This would mean that individual Member research would be more easily undertaken as well as encouraging the selection of significant and relevant issues for inclusion in Scrutiny Committee agendas.

Forward planning of agenda items

3.7 As well helping to identify items on a reactive basis, KPIs, budget monitoring information and the Risk Register can also assist with the forward planning of agenda items in order to make the Committee's work more relevant, responsive and effective. With sufficient notice, Directorates and Cabinet Members will be able to develop detailed and informative responses that include realistic action plans and meaningful reports. This will allow the Committee to engage with and improve a broader range of KCC business and will promote regular evidence-based discussions with the Executive and Officers.

3.8 The Committee should be mindful that the Cabinet Committees look at detailed areas which are covered in performance reports and should avoid duplicating the work of those Committees.

(b) <u>KCC Consultations</u>

3.9 Another source of possible items for the Scrutiny Committee could be current consultations.

3.10 A list of current/proposed consultations could be regularly circulated to Scrutiny Committee Members by the Scrutiny Research Officer. At the agenda setting meeting, Members could decide whether, during the consultation period, the Committee would like to have the opportunity to find out more about the proposals by inviting the Cabinet Member and lead officer to attend and answer questions. This would enable the Committee to submit comments on the proposals, which could then be taken into account as part of the consultation process.

(c) <u>Referrals from Cabinet Committees to monitor the implementation of decisions.</u>

3.11 When the Cabinet Committees carry out their pre-decision consideration role, the Committee sometimes asks for a further report on the implementation of that decision. As the workload for Cabinet Committees is large there is little time at meetings for this monitoring of decision implementation to be effectively carried out.

3.12 A more effective use of Members' time may be for the Cabinet Committee to make a referral to the Scrutiny Committee, setting out the timescale for the Scrutiny Committee to have an item on the implementation of the decision and any particular issue that they would like the Committee to consider. To ensure the subsequent scrutiny is informed and productive, a set of key success criteria could be included in the referral. This work would also evidence the council's commitment to maintaining a robust scrutiny function.

3.13   The Cabinet Member and lead officer could be invited to attend answer questions on the implementation of the decision and the Scrutiny Committee could make constructive comments.

4.   **Agenda setting meetings**

4.1   Currently, the Chairman and Spokesmen meet immediately after the Cabinet meeting to agree the agenda for the next meeting of the Scrutiny Committee, which is usually programmed to be held during the following week. The timing of this agenda meeting is historic from the time when the call-in of Cabinet decisions was the main source business of the then Cabinet Scrutiny Committee.

4.2   When the Cabinet Committees were established on 1 April 2012, with their pre-decision consideration role, the need for the agenda setting to be held after Cabinet was negated.

4.3   It is suggested that the Chairman and Spokesmen hold their agenda setting meeting approximately 3 weeks before the Scrutiny Committee meeting, which would enable the Research Officer to produce a briefing paper on any items that are put on the agenda for the meeting. Also it would enable further information to be provided to Members, which may satisfy the concerns raised and remove the need for the item to be considered at the meeting. This would ensure that the items that are put on the agenda for the meeting have adequate but concise information provided for the Committee in advance to facility effective questioning and comment.

4.4   Depending on whether Members wish to receive KPIs, Risk Register updates, Budget Monitoring Information and notification of consultations, these could be standing items for consideration at the agenda setting meeting to provide a focus for the discussion on possible items for the Committee meeting.

4.5   Should Members agree to hold the agenda setting meetings earlier, there will be a need to ensure a mechanism remains in place that allows Members to respond to Cabinet decisions and updates. It is recommended that should a potential item be identified upon viewing the published Cabinet papers, Members should approach their Spokesman or the Chairman and inform the Scrutiny Research Officer. Investigations may then take place in timely fashion to consider the addition of the Cabinet activity in the next Scrutiny Committee agenda. This communication should take place via informal meetings and email correspondence to ensure the matter is addressed swiftly.

4.6   When suggesting items for consideration by the Committee, Members should be mindful of the need for their work to achieve at least one of the following:

- makes a positive impact on services

- promotes good practice
- challenges underperformance
- acts as a catalyst for change
- deals, where appropriate, with relevant partnership issues

5. Key Questions for Scrutiny

5.1 The recent Centre for Public Scrutiny (CfPS) report on the implications of the Mid-Staffordshire and Rotherham failures sets out some key questions that Authorities should consider in respect of their Scrutiny functions:
- How does the Council respond when significant problems arise and do its processes ensure that the matter will be addressed?
- Does the Council's Scrutiny function have access to sufficient information to challenge and review its assertions of success?
- Does the Council accept that Scrutiny has a serious role to play?

5.2 To ensure the Committee is able to respond appropriately to significant concerns, the work programme is being made flexible enough to accommodate both forward planned reviews and reactive investigations of serious issues. The Members provide a vital link with the community who may raise potential issues prior to recorded evidence becoming available, demonstrating the key role elected Members have in making sure Scrutiny can respond appropriately to meet the changing needs of the people of Kent.

5.3 It is intended that the recommendations for Members to receive a broader range of information from the council to assist with work programme development, future risk identification and implementation reviews, will facilitate the Scrutiny Committee in conducting the functions highlighted by the CfPS.

5.4 Encouraging Members to seek as many information sources as possible is a key part of this report, so that while more formal data will be provided, Members are encouraged to use their engagement with communities to gain public insight and context for issues the Committee may review.

6. Training

6.1 In order to carry out their role effectively there may be a need to provide training for Committee members in terms of effective use of performance data.

6.2 It is recommended that this training requirement is addressed through KCC's Member Development function. The positive outcome of such activity will include an increase in the expertise possessed by the Scrutiny Committee and evidence that KCC maintains a robust and reliable Scrutiny function that is capable of effectively interrogating performance data.

6.3   Linked with this, it is hoped that the proposed Member Development arising from the Commissioning Select Committee regarding effective interviewing skills will also improve the Scrutiny Committee's capacity to hold more incisive discussions with Cabinet Members and senior officers.

7.   Work Programme

6.1   A draft work programme has been developed (**Appendix 1**) that seeks to balance planned work of the Committee with the flexibility to enable call-ins and KPI related agenda items to be addressed when they arise. As such, not all meetings have items scheduled; this is intentional as it will encourage agenda item recommendations from the Members in light of the performance data being circulated.

6.2   The work programme is designed to emphasise that Scrutiny has a responsibility to review and recognise positive work as well as consider other aspects where performance would be improved. It is hoped that this approach will reinforce the positive contribution of the Committee's work.

7.   Recommendation

The Committee is requested to consider whether it wishes to adopt any of the following:

(a) move the agenda setting meeting to at least 3 weeks before the Committee meeting (paragraph 4.3 refers)
(b) have circulated to Committee members on a regular basis KPIs, Budget Monitoring Information, the Corporate Risk Register and a list of KCC consultations and at each agenda setting meeting consideration be given to whether any of these should be added to the agenda for the next or a future meeting (paragraph 4.4 refers).
(c) The draft work programme, with items subject to final approval at the agenda setting meeting.

Report Author:
Joel Cook – Scrutiny Research Officer
03000 416892
Joel.cook@kent.gov.uk

Background Documents:
None