

2 July 2015

Review of Overview and Scrutiny in Walsall

Ward(s) All

Portfolios: All

Report:

During March and April 2015 Professor Steve Leach of De Montfort University undertook a review of the overview and scrutiny function at Walsall Council. He interviewed key stakeholders, reviewed data and observed each of the council's scrutiny committees. Following the review he produced a report detailing his findings. This includes a series of recommendations for the future operation of the scrutiny function. A copy of the report is enclosed as appendix (1) to this report.

Following Professor Leach's report, Council approved a new scrutiny structure at its meeting held on 3 June 2015. A copy of this structure together with remits for the committees is attached as appendix (2) to this report.

Recommendations:

That Member's reflect on the findings of the Leach report and consider how they can be implemented as part of the Committees areas of focus for 2015/16.

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Review of Overview and Scrutiny in Walsall (Draft Report)

Context

- 1.1 Since it was established in 2000 as part of the Labour government's introduction of executive (or cabinet) government in local authorities, overview and scrutiny has had a chequered history. Although there is a good deal of good practice that has been developed, particularly in relation to in-depth policy reviews carried out by 'task-and-finish' groups, the function has not caught the imagination of many non-executive members, for whom it was intended as a primary responsibility in the new arrangements. It has also proved susceptible to manipulation or marginalisation by majority parties who have sought to limit its' capacity for effective challenge. Meetings of overview and scrutiny committees often operate in the formal way in which the pre-2000 service committees used to do, with bulky agendas (but without the power to take decisions). It is fair to say that for many councillors (and councils), the function has proved more of a source of frustration than of satisfaction.
- 1.2 This sense of frustration was apparent in Walsall, as I carried out my review. Although there was evidence of good practice (see below) this was patchy. There are some strengths in the way the function operates, but there is also a feeling that the value added by overview and scrutiny is not commensurate with the time committed to it. There was a lack of clarity amongst the more recently-elected councillors as to what they should be doing. This sense of a sub-optimal process is shared by cabinet members, councillors (of all parties) who sit on the committees and the officers who attend their meetings, although the precise nature of their concerns often varies. There was widespread agreement that changes were needed in the way overview and scrutiny operates in Walsall, and that an independent review was the right way to investigate the problems and to recommend improvements.
- 1.3 The case for reviewing the effectiveness of overview and scrutiny has recently been highlighted not just in Walsall but across the country by a recognition that it has failed to identify and seek to remedy high-profile performance failures in Rotherham (child sexual exploitation), Staffordshire (Mid-Staffs Hospital Trust) and Birmingham (ideological predispositions of inner city schools). Had the prevalence of CSE been spotted and investigated earlier in Rotherham, then it is unlikely that the democratic machinery of the council would have been suspended and replaced by a board of DCLG appointees. By strengthening the clout of overview and scrutiny, such performance failures could be recognised before they become front-page news, and could be dealt with by the councils concerned, in a way which would enhance rather than diminish their reputations. There is also the challenge of the increasingly difficult decisions about where to make budget cuts, which are faced by all councils, and in which scrutiny has a crucial role to play.
- 1.4 So the challenge in Walsall, as elsewhere, is how to strengthen the role of overview and scrutiny to make it more effective both in holding the executive to account, and in

contributing to the review and development of policy, whilst recognising that it takes place within a party political environment, in which -as at Westminster- different parties are competing with one another for political advantage. The achievements there of Select Committees- at their best- illustrate what can be achieved in such circumstances.

1.5 In seeking to respond to this challenge, I would like to acknowledge the help I have received from the many members and officers I have interviewed. Without their co-operation I could not have gained the requisite insights to enable me to make what I hope is a helpful set of recommendations. I have also observed each of the four scrutiny committees in action, studied their agendas and minutes over the past 2-3 years and read the detailed reports which they have from time to time submitted to the cabinet. I was also given access to a report written by the Director for Environment when he became lead officer for scrutiny, which I was pleased to find to be congruent with my own observations. The recommendations set out at the end of the report draw on my experience of scrutiny elsewhere (I have carried out over 20 such studies since 2001) and other sources of good practice such as the Centre for Public Scrutiny's website, but are framed in a way which responds to the unique circumstances, traditions and recent political history of Walsall. Special thanks are due to Neil Picken and the Scrutiny Team for facilitating my programme of interviews, and for responding cheerfully to my many requests for information and explanation.

Analysis

2.1. As noted above, there are examples of good practice in Walsall's approach to scrutiny which should be recognised and built upon whatever other changes are made. They can be summarised as follows:

*there is a recognition in Walsall of the value of in-depth studies as a way in which scrutiny can add value, and councillors have usually found involvement in the working groups involved to be rewarding. There have been some impressive reports, including those dealing with the relocation of the Market, School Meals policy and the impact of the recent legislation on Welfare Benefits. The selection of the topics to be studied has sometimes been questionable, but the principle of undertaking such studies is to be commended, and is consistent with good practice elsewhere.

*the value of pre-decision scrutiny has been recognised and has enabled scrutiny panels to express a view to cabinet at a time when it's thinking is open to influence. This approach, which is better-developed in Walsall than in many other authorities, helps to explain the paucity of call-ins, which are always more likely in councils where pre-decision scrutiny does not have the priority it has in Walsall (although a few more call-ins in Walsall would not necessarily be a bad thing; if used responsibly they are a useful demonstration of the democratic viability of the scrutiny/executive relationship)

* the allocation of chairs and vice-chairs of scrutiny panels to members of the opposition on a roughly proportionate basis, is to be commended, not least because it gives the opposition a sense of ownership of the scrutiny process, and decreases the likelihood of political points-scoring at panel meetings.

*the current administration has an open-minded approach to scrutiny, and has not sought to manipulate or marginalise it, attitudes which are sadly not uncommon elsewhere.

* the approach adopted by the Children's Services Scrutiny Panel has been influential in enabling the service to recover from the highly-critical Ofsted report of 2012, a contribution which has subsequently been commented on favourably by Ofsted itself. Since 2012, the panel has been well-led by its chairs, and well-supported by its officers. It has sensibly striven to exclude party politics from its deliberations, in its unanimous concern to put the well-being of children first. It is currently playing an appropriately high-profile role in relation to concerns about child sexual exploitation (CSE) in the borough.

* the Social Care and Health Scrutiny Panel has recognised the importance of holding the local hospital trust to account in the aftermath of the failures of the Mid-Staffs hospital trust in an adjacent local authority. It has been challenging in its questioning, but in a responsible and non-aggressive way, which has proved acceptable to the chief executive of the local hospital trust.

2.2. One of the meetings I observed-that of the Social Care and Health Panel on April 28th 2015- seemed to me a good example of scrutiny in action. The main item was the consideration of a report on the future of the Broadway North Centre that was to go to cabinet the next day; a piece of pre-decision scrutiny where the panel was in a position to exert influence (rather than being asked merely to 'note' a report). There were over a dozen members of the public present, several of whom took advantage of the chair's offer to address the committee (two ward councillors who were not members of the committee also did so). There followed a lively well-informed well-chaired discussion, to which all the members of the panel contributed, in a well-informed, considered and often impassioned way. Although the issue was clearly a political one, with different party views apparent, the debate was conducted in a civilised way, with no attempt to score party political points. The portfolio-holder for social care was present, and was prepared to defend the cabinet's position, rather than always relying on the officers to do so. A resolution to be presented at cabinet arguing for an alternative approach to the problem was agreed (though not unanimously). All these features may be regarded as examples of good scrutiny practice.

2.3. These achievements are important. But they need to set against a range of problems associated with the current operation of scrutiny in Walsall. The other two scrutiny panels do not operate as effectively as Children's Services and Social Care and Health, with a lack of commitment apparent amongst some members which contrasts with the motivation apparent there. The ambience of meetings too often resembles that of the pre-2000

committee meetings, despite the very different role which scrutiny panels are supposed to have. These and other matters of concern are discussed in more detail below.

Variation in effectiveness

2.4. As noted above, the Children's Services and Adult Care and Health are both operating reasonably effectively, in the prevailing circumstances. In the former case, the panel is helping to improve educational standards in Walsall and briefing itself on the CSE problem. In the latter particular emphasis on the scrutiny of health has been given priority, in the aftermath of Mid-Staffs and current concerns about Walsall Hospital Trust's performance, but not at the expense of adult social care issues, as the April 28th meeting demonstrated. Neither of the two other panels is faced with an internal or external crisis of such significance. As a result, there is less of a focus to their work programmes, and much less of a sense of urgency or direction in their meetings. As a result, it is fair to describe the effectiveness of scrutiny in Walsall as patchy. In two cases significant value is being added through their operations; in the other two much less so. In neither case has there been much in the way of effective challenge, or holding the relevant cabinet members to account. Both panels have done some good work, particularly in working group mode, but not to the same extent as the other two. In principle, it should be possible for the Neighbourhoods and Regeneration panels to learn from the experience of the Children's and Social Care and Health panels. In practice this learning does not take place. The scrutiny arrangements in Walsall are fragmented, with no mechanisms for co-ordination of a kind which other authorities have introduced and benefitted from (e.g. a Chairs Panel).

The remit of the panels.

2.5. The current structure of the scrutiny panels matches that of the directorates. In each case the executive director concerned plays a lead role in forming the agendas for panel meetings and typically plays a prominent part in the proceedings of meetings, introducing items and responding to questions. This pattern has its advantages, particularly in the circumstances in which Children's Services and Social Care and Health currently operate. But it also has its dangers. Too cosy a relationship can develop between director, cabinet member and scrutiny chair, which can inhibit effective challenge. This danger is accentuated in Walsall by the requirement placed on the Scrutiny team to take notes of the panel meeting, which inevitably hinders their ability to advise the chair as issues arise, which can create the impression that it is the director who is the chair's main reference point at the meeting.. Issues which do not fit within the remits of the directorates may be not be picked up, or if identified prove difficult to accommodate. There are several other ways in which scrutiny can be structured including a single scrutiny committee, working mainly through task-and finish groups: a separation of the overview (policy review and development) and scrutiny (holding to account) functions: and a structure based on the key priorities set out in a corporate plan.

2.6. As it happens, recent changes in the management structure of Walsall mean that it is timely to consider such options. The Regeneration and Neighbourhoods Directorates are about to be merged under a single director. It would be possible to adjust the scrutiny structure to mirror this change, but other options should be considered. A corporate plan for Walsall (2015-2019; Shaping a Fairer Future) has recently been published, containing six priorities. The opportunity is there to remodel the structure of scrutiny in Walsall, although it should always be remembered that scrutiny structures are less significant an influence on outcomes than cultural considerations, such as political and managerial attitudes, the capacity of members (influenced in turn by appropriate training) and agenda management.

Relations between the cabinet and scrutiny.

2.7. The relations between the executive and the scrutiny panels are unstructured. There are no joint meetings. Occasionally the cabinet will ask a scrutiny panel to carry out a piece of work, for example the recent review of area partnerships by the Neighbourhoods panel (joined by representatives from other panels), but this is unusual. There is in most panels an expectation that the relevant cabinet members will attend scrutiny meetings, which some do conscientiously, but others less so. The cabinet members who do attend often play relatively little part in the proceedings. Of particular concern is the tendency for directors or their staff to respond to questions raised regarding cabinet decisions or proposals. In a recent call-in, it was an officer who justified the decision taken by the cabinet, rather than the cabinet member himself. This is not good practice. Effective 'holding to account' requires that the cabinet member responsible for a decision who should be answerable for it, not the officer advising him or her. The Casey Report into the failure of Rotherham to identify the extent of the child sexual exploitation problem expressed serious doubts about how effective scrutiny had been in holding cabinet members (and senior officers) to account for their individual performance and decision-making. Clearer guidelines on this issue are needed, to avoid the possibility of such concerns being expressed in Walsall.

Criteria for selection of in-depth studies

2.8. As noted, some valuable work of this nature has been carried out in Walsall through the medium of working groups. But in-depth studies of this nature are time-consuming for both the members and officers involved, and the justification for the selection of the topic concerned is not always clear. Now that there is an adopted corporate plan in operation, its' priorities should be one important reference point in planning in-depth studies. But other criteria- e.g. issues of public concern- are also relevant (see below)

Involvement of partners and the public.

2.9. There is an element of public involvement in the way scrutiny operates in Walsall, but it is limited. Petitions with over 500 signatories are placed on the agenda of the relevant scrutiny panel, and representatives of the petitioners permitted to make representations to

the panel, who then pass on a recommendation to the executive. Pressure groups have also sometimes been drawn into in-depth studies (e.g. market traders in relation to the relocation of the market). These initiatives are encouraging, but much more could and should be done. The Francis Report into the Mid-Staffs Hospital Trust shortcomings noted that the local authority health scrutiny committee was 'wholly ineffective as a scrutiniser of the Trust' It added 'councillors are not and cannot be expected to be experts in health care. They can however be expected to make themselves aware of, and pursue, the concerns of the public who have elected them. That surely is the intended purpose of giving a local scrutiny role to councillors'.

2.10. All the evidence is that the Adult Care and Health scrutiny panel is a much more effective scrutiniser of the local hospital trust than was its' Stafford counterpart, and that it does seek to pursue public concerns.. But the principle set out in the above quote from the Francis report has an applicability which goes beyond health issues. 'Making themselves aware of, and pursuing the concerns of the public who elected them' is one of the key purposes of scrutiny, although sadly not one which is given due priority in many authorities. In a Communities and Local Government Select Committee report (Some Issues for Local Government, November 2014) it is seen as 'important that councillors test proposals by reference to their broad experience and their knowledge of the borough and its constituents'. This quote emphasises the key role which councillors' local knowledge of their own patches can play in identifying issues which should be scrutinised (with the proviso that issues specific to a single ward are normally not appropriate for scrutiny; the problems identified should be wider in scale). Thought needs to be given to how public involvement can be strengthened in Walsall. In theory the six area partnerships provide one important opportunity in this respect; in reality the way they currently operate mean that there is only limited potential for doing so. This issue is discussed further in the next section.

Settings, Processes and Motivation

2.11. Even for the two more effective scrutiny panels in Walsall, there are problems about the settings in which the meetings take place. There is something about the ambience of Conference Room 2 which makes it more difficult for the process of challenge and the lively exchange of views which are both so essential to effective scrutiny to operate. The square table, the apparently haphazard seating arrangements (cabinet members seem to sit in a variety of locations), and the traditional nature of the way the agendas are put together all reinforce the same message, namely that scrutiny panels are a close approximation to the service committees which they replaced in 2000. The problem is that they should be very different from service committees in their role and purpose, and need settings and procedures which reflect their distinctiveness. It is worth giving some thought to ways in which the often uninspiring nature of the settings, seating arrangements and procedures can be transformed in a way which would breathe new life into the scrutiny function.

2.12. There is also a concern about the level of commitment of some members of scrutiny panels to their role. All committees have their active and committed members: the chairs and vice-chairs, and those who volunteer to sit on working groups. But equally there are members who do not appear to have digested the contents of their agenda packs, and who play very little part in the panel's proceedings, beyond asking the occasional question. It is understandable that some members might wish to devote their attention to roles other than scrutiny committee member, in which case there is little point in appointing them to sit on any of the panels. This approach may in turn have an implication for panel size; twelve is above average, and sometimes gives an impression of unwieldiness at times. However my impression is that other members (particularly those only recently elected) would like to be more involved, but have found it difficult to make sense of what scrutiny is all about. This perception has a training implication. If all members involved in scrutiny were to receive appropriate training at a relatively early stage of their appointment to a panel, then it is likely that their confidence and motivation would quickly develop, enabling them to play a more proactive role in the panels, at an earlier stage than they can at present. This aim is made more difficult to achieve in Walsall by the frequency of local elections (3 years in 4) and the frequency with which political control changes in Walsall, both of which will inevitably lead to a greater rate of turnover of membership in the panels than would be found in authorities without these characteristics. But that should not prevent serious attempts being made to introduce appropriate training (see Section 3)

2.13. The work of the scrutiny team in the Democratic Services unit is valued by all those involved in the scrutiny process. But it is a small team, with other duties. It would be unrealistic to recommend an increase in staff in the current financial climate, although this could certainly be justified in principle. However it is important to find ways of making best use of their time. For example the requirement that they should act as minute-takers at panel meetings (see 2.5 above) as well as acting as advisor to the chair is rarely found in other authorities, where the minute-taking role is taken on by someone else. The Walsall approach involves a degree of multi-tasking which may often prove counterproductive. There are also opportunities for briefing sessions (see Section 3) which the team just do not have the time to develop.

2.14. To draw attention to those aspects of scrutiny in Walsall which are not working to best advantage should not be seen as downplaying the strengths of the way scrutiny currently operates (see 2.1 above). Scrutiny in Walsall is by no means the disaster area it sadly still is in some authorities. It is in the nature of independent reports such as this one that emphasis will be placed on what needs to be changed. The analysis set out in this section should be viewed in this spirit.

Recommendations

Structures

3.1 In the current circumstances, there is a strong case for retaining the Children's Services and Adult Care and Health panels in their current form, with their existing remits. Given the criticisms about the ineffectiveness of scrutiny that have been made in official reports on the Rotherham and Mid-Staffs crises, and the fact that both the Walsall panels concerned have demonstrated a capacity to deal with the issues raised in these reports, it would be risky, and counterproductive to depart from the status quo. In the medium-term, when these issues have become less emotive and high-profile, it may be appropriate to consider alternative structures for these two panels; but not at present.

3.2 As regards the two other panels, there is the possibility of retaining them with their current remits, even though the two parent directorates have now been merged. Or the two panels could themselves be merged, to match the organisational change. In either option there is the problem of how the corporate priorities would receive the attention they merit (I am assuming that whoever wins the May election, the corporate plan will be retained, possibly with modifications) For whilst some of the current priorities are congruent with the remit of existing panels (e.g. 'improving health and well-being' (Adult Care and Health) and 'improving educational attainment (Children's Services) others are not (e.g. 'cost of living' and 'helping local high streets and communities'), and there is in all cases a degree of overlap between panel responsibilities, as you would expect with corporate priorities.

3.3 In these circumstances, there is a strong case for instigating a hybrid scrutiny structure model, in which two panels are retained, but all other scrutiny responsibilities are vested in a single panel, which would have a particular responsibility for scrutinising performance in relation to the four corporate priorities which are not directly concerned with children, adult care and health, plus anything else which justifies scrutiny or policy development/review (Including issues such as procurement and devolution). It is hard to think of a suitable title for the panel (Strategic Policy and Planning' perhaps?) but the principle underlying the panel's remit is clear enough.

3.4 It would be important that the new panel did not seek to simply merge the work-programmes and agendas of the two existing panels. To do so would overload it, and be likely to lead to a superficial scrutiny of a large number of issues. The proposed panel would have to be much more selective in its agenda planning, and would be well-advised to undertake much of its work in small groups which would report back to the committee itself when they had completed their tasks. There are some authorities which have taken this approach even further by establishing a single scrutiny panel which commissions small groups to undertake projects across the whole spectrum of council responsibilities. In my judgement this would be a 'step too far' for Walsall at the present time. But if the role of the

new panel works well, and generates motivation and commitment from the members who sit on it, then there may in due course be a case for moving to the single panel option.

3.5 There would then be the question of the appropriate size for the two retained and one new panel. As noted above (2.11) the size of the scrutiny panels is larger than the norm. In my judgement there would be benefits in terms of member commitment if scrutiny panels were to be reduced in size to ten. This would mean that a total of thirty non-executive members were involved in the panels, or half the total council membership. There is little point in requiring all or most of the eligible council members to sit on scrutiny panels. There are other important council positions, for example membership of the planning and regulatory committees, and there will be councillors who prefer to devote their energies to their local representational role (which would be strengthened if the area partnerships were to be given a higher profile). It is more important to have councillors on scrutiny panels who have a real degree of interest in and commitment to the scrutiny process, rather than feeling it necessary to find a place for everyone. It should however be open to any member of the council (cabinet excepted) to take part in a task-and-finish group, where interest in the topic concerned is an important criteria of involvement.

3.6 The other structural change recommended is the creation of an informal group of the chairs and vice-chairs of the scrutiny panels (with perhaps two additional members so that there is all-party representation). This group would have three major functions. It would have an important role to play in the planning and co-ordination of the programme of activities (particularly the in-depth studies to be commissioned) of the three scrutiny panels at the start of each municipal year. It would operate, where appropriate as a discussion forum with members of the cabinet over matters such as pre-decision scrutiny and the programme of policy reviews. And it would act as a vehicle of mutual learning, so that the overall impact of scrutiny was greater than the sum of its parts. It would probably need to meet only three or four times each year, and would not need to become part of the council's formal decision-making process; indeed to formalise it would reduce its potential value.

Holding to Account.

3.7 As noted above (2.6) the lack of clarity and consistency in the role of executive members at scrutiny panels needs attention. The independence of the scrutiny from the executive role would be strengthened if there were clearer guidelines. First, cabinet members should be expected to present, and answer question on any report coming before a scrutiny panel which falls within the falls within their executive responsibilities (not just in relation to call-ins, but in general). Currently the presentation of reports (and response to questions) is too dominated by officers. Secondly cabinet members should not be required to be present at panel meetings as a matter of course. This is not a good use of their time. They should be requested (and if necessary, required) to attend only for items where their presence is specifically required by the panel (the same goes for senior personnel from other agencies

such as the local hospital trust. On such occasions, the seating arrangements should seek to facilitate the question-and answer nature of the dialogue between portfolio holder and panel members.

Improving Processes and Procedures

3.8 It is important that scrutiny whenever possible 'adds value' in the work which they carry out, for example by contributing to a change in policy, as a result of an in-depth review, or influencing a decision of the cabinet through a piece of pre-decision scrutiny. There are several examples in Walsall where value has been added by contributions of this nature. But there is also a good deal of evidence from my observations of the four panels and my analysis of minutes that this is often not the case. There were many examples of recommendations that reports should simply be 'noted', which implies that no value is added in relation to many of the agenda items addressed by the panels.

3.9 There will be times when it is appropriate for panels to receive and discuss an agenda item which is primarily for 'information', as a necessary precursor to a more pro-active subsequent involvement. The meeting of the Children's Services panel which I observed on April 14th was taken up largely by a progress report on child sexual exploitation in the West Midlands, with some high profile external contributors. The panel was not at this meeting in a position to add value, but given the priority which Walsall (and many other authorities) are rightly attaching to this issue, the dominance on this occasion of an item for information was probably justified. But this was something of an exception. In normal circumstances, there needs to be a balance between items for information (i.e. reports to be noted) and items where the panel can in one way or another make a difference, with more time spent on the latter than the former. It is recommended that the agendas of all panels are constructed on the basis of this principle (and that agenda reviews should take place from time to time to ensure that the right balance has been achieved). Indeed, there is a case for taking the agenda items where the panel can make a difference in the first part of each meeting, and leaving the reports to be noted until later, thus ensuring that time is spent more productively.

3.10 There is also the challenge of how scrutiny panels might escape from the uninspiring ambience of Conference Room 3. It may be unrealistic to expect suitable alternatives to be found in the short-term, but there are still helpful changes which could be made. The seating arrangements adopted can be helpful in setting the context for scrutiny, particularly if a portfolio holder or senior officer is being 'held to account'. The reference point here is the pattern adopted for House of Commons Select Committees, with the Committee members arranged in a semi-circle, and the person being questioned in the centre, facing the chair, and advisors positioned behind him or her. The closest approximation to this pattern that could be contrived in Conference Room 3 should be aimed for. Indeed for high-profile scrutiny exercises, with a variety of witnesses involved, the council chamber may be a better venue.

3.11 For major policy reviews or controversial scrutiny hearings (e.g. the investigation of a high-profile policy failure or budgetary overspend) it may be worthwhile for Walsall to adopt the 'select committee' mode of operation, modelled on the parliamentary format, and involving the questioning of expert witnesses. Authorities who have experimented with select committees have found that it has added a sense of drama and substance to the scrutiny process, and has sharpened the skills of the members involved. Two such examples a year on carefully-chosen topics would be an appropriate initial commitment.

3.12 Task-and- finish groups are time-consuming for officers and members alike, and so it is important that topics are selected where there is a good prospect of 'making a difference'. To this end a clarification of criteria for selecting topics would be helpful. Criteria should include 'relevance to the priorities of the corporate plan (see 3.2 above): significant levels of public concern about an issue: evidence of poor or declining performance in a particular service or an unexpected budgetary overspend. These criteria should be applied in the programme planning exercise at the start of each municipal year, hosted by the proposed scrutiny co-ordination group (see 3.6 above), where cabinet members, directors, scrutiny chairs and vice-chairs and scrutiny team members should all be encouraged to submit proposals, using these criteria. There would also be a benefit in that such criteria would provide a basis for excluding or placing a low priority on) studies which would be likely to involve a relatively unproductive use of valuable time. The programme should also be flexible enough to permit modifications during the course of the year, to respond to the unexpected 'big issues' which will invariably crop up..

3.13 As noted previously there are inconsistencies in the way in which scrutiny panel meetings are prepared for, usually reflecting the proclivities of the chairs. It would be helpful if a more consistent process could be introduced and adhered to. The key meetings are the agenda planning meeting and the pre-committee meeting, where chair, vice-chair and the relevant officers have the chance to plan the management of the panel meeting, to maximise its effectiveness.

3.14 The idea of pre-meeting meetings could be extended, as it has been in some other authorities, to include short training sessions (for all panel members) or, if there was a major item on the agenda involving a high –profile external presentation (e.g. from a police commissioner or hospital trust chief executive) to plan a strategy of questioning. This would imply a new type of input from the scrutiny team, which is unlikely to be feasible unless other duties (e.g. the requirement to take notes at panel meetings) can be transferred elsewhere. This approach is normal practice in parliamentary select committees, but should be used more sparingly in local authorities, as and when an agenda item justifies it. There would also be advantage in the scrutiny team preparing short briefing papers for panel members to facilitate their ability to contribute to debate about major agenda items (e.g. to help them find a way into a performance report which contains a mass of statistical detail).

However it is recognised that the budgetary pressures in Walsall may make such changes difficult to finance, at least in the short-term.

3.15 Whilst it is right that directors should play a substantive role in the scrutiny process, it should ideally be less dominant than it appears to be at present in Walsall. In this connection, the idea of 'link officers' is worthy of consideration. Link officers should ideally be young, upwardly-mobile middle-managers within the directorates, who would act as reference points for the scrutiny team in agenda planning and who would deal with the data and report-writing implications involved. Their involvement in these tasks (which would only involve a small proportion of their overall time commitments) would both benefit their own career development, and help oil the wheels of scrutiny team/directorate interaction. They would also help to facilitate a move towards reports which were 'tailor-made' for scrutiny panels, an outcome which would undoubtedly enhance scrutiny's effectiveness. There should be between one and three link officers in each directorate, depending on their size and their range of responsibilities. In circumstances where a scrutiny panel needs expert advice, which cannot be provided within the authority, if it is to produce a credible evidence-based report, then resources should be made available to enable it to buy in the relevant advice (many authorities have a modest fund to enable this to happen)

3.16 The potential role of appropriate training is absolutely crucial to the challenge of improving the effectiveness of scrutiny in Walsall. There are three distinct areas of training need. Once members have been appointed to a scrutiny panel at the start of the municipal year, they would benefit greatly from a training session on the subject matter and current issues within the remit of their panel, which would enable them to make a positive, knowledge based input much more quickly than is currently the case. Secondly, there needs to be training at the same early stage on the distinctive nature of scrutiny, and the particular skills needed to do it well. This would hopefully eliminate the bemusement which some members initially (and understandably) feel about what they are really there to do. Thirdly there is real value in training sessions for chairs and vice-chairs of panels, to enable them to equip themselves with the distinctive skills needed to chair scrutiny meetings effectively. (chairs with long experience of scrutiny may not need this input). Support from all party leaders, in underlining to their members the importance of attending the relevant training sessions, would be advantageous.

3.17 Two final points of detail. In considering who should replace Jamie Morris as lead officer for scrutiny, the council should be aware of the role conflict involved in a director advising a cabinet member and, at the same time, operating as a scrutiny champion and reference point. It would be better if someone in the Resources Directorate took over this role. Secondly it is important to clarify the role differentiation between the Social Care and Health Scrutiny Panel and the Health and Well-Being Board. The former is specifically authorised to challenge and scrutinise the performance of the Walsall Hospital Trust. The

latter is a partnership body, set up to co-ordinate policies amongst the various agencies dealing with health and well-being, and is not an appropriate body to carry out scrutiny.

Summary of Recommendations

Set out below is a summary of the report's main recommendations. In each case, the paragraph in the preceding section which justifies and elaborates on each recommendation is noted, for ease of 'reference back' purposes.

(1) The Children's Services and Social Care and Health Scrutiny and Performance Panels should be retained with their existing remits. The former should be re-titled the Education and Children's Services Panel.

(2) The remits of the Neighbourhoods and Business, Employment and Economy Panels should be combined in a new Panel entitled 'Strategic Policy and Planning. This panel should also have responsibility for overview and scrutiny work associated with the council's corporate priorities which are not covered by the two retained panels. (see 3.2 and 3.3)

(3) This new panel should operate in a different way from the other panels, with a more selective approach to agenda content, and a greater emphasis on delegating work to small task-and-finish groups (see 3.4)

(4) In the medium term, depending on experience with the new panel, consideration should be given to the establishment of a single scrutiny panel operating on a similar basis to the proposed new panel (see 3.4).

(5) The size of each panel should be reduced to ten members. However all non-executive members of the council should be eligible to take part in any of the task-and-finish groups set up by any of the panels, to maximise the use of members' experience and motivation.

(6) A Scrutiny Co-ordination Group should be established, comprising the chairs and vice-chairs of each of the three panels, plus two additional members to ensure political balance. It should operate on an informal basis and undertake the three functions set out in 3.6 above.

(7) Chairs and vice-chairs should continue to be allocated among the parties represented on the council, on a proportionate basis (ideally using the criterion of the 'best person for the job')

(8) The role of portfolio holders at scrutiny panel meetings should be clarified, with attendance required only for items in which the portfolio holder has specific responsibilities, where he or she, rather than the relevant officer should play the dominant role in responding to questions and comments from the panel (see 3.7)

(9) The balance between agenda items for information and items for action should be changed, with a greater emphasis on the latter, where the panel can actually 'add value' (see 3.8 and 3.9)

(10) Where feasible, attempts should be made to provide settings and seating arrangements which are more conducive to effective scrutiny than the current venues and procedures. The traditional service committee ways of working are generally much less appropriate for the scrutiny function (see 3.10)

(11) For high-profile issues (e.g. a major policy failure) the 'select committee' format should be used, with appropriate seating arrangements and pre-meeting preparation (see 3.11)

(12) The criteria to be used in selecting and prioritising topics for in-depth study by task-and-finish groups should be clarified and assiduously applied. This process should be set in motion at the start of each municipal year at a meeting convened by the Scrutiny Co-ordination Group, with directors, cabinet representatives and the scrutiny team present to advise and respond (see 3.12)

(13) To the extent that resources and staffing capacity permits, pre-meeting planning and briefing sessions for panel members should be introduced, when the high-profile nature of an agenda item justifies it (e.g. when high status external witnesses are to be questioned as part of a scrutiny exercise), or to help them understand a complex issue (e.g. a performance report) (see 3.14)

(14) With the above proviso, scrutiny support officers should not be expected to operate as minute-takers, which would enable them to devote more attention to advising the chair (see 3.14).

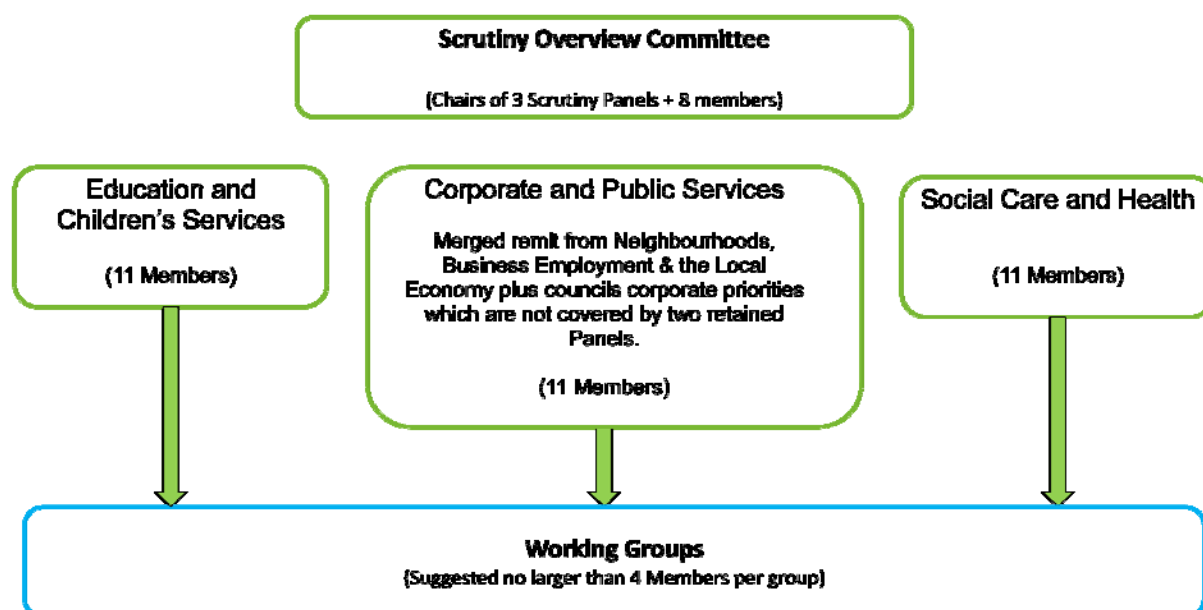
(15) A system of 'link officers' should be established in each directorate to work with the scrutiny team in providing information and reports which are tailored to the distinctive needs of scrutiny (see 3.15)

(16) A modest annual fund (circa £20,000) should be established to enable scrutiny panels to draw on external advice, where the relevant expertise is not available in the authority. (see 3.15)

(17) More attempts should be made to involve the public in the scrutiny process, either through direct involvement, or survey research. Issues of public concern should be one of the key criteria in the choice of in-depth investigations(see 2.9).

(18)A training programme should be introduced after each local election focusing on the subject matter of the respective panels, scrutiny skills, and (where appropriate) chairing skills (see 3.16)

2015/16 Scrutiny Model



Scrutiny Overview Committee

Membership

The Chairs of the three Overview and Scrutiny Panels together with 8 Members of the Authority as determined by the Council.

Substitutes

Substitute members may be nominated to the Committee in accordance with paragraph 4 of the Council procedure rules (Part 4).

Chairman and Vice-Chairman

The Chairman and Vice-Chairman will be appointed at the Annual Council meeting for the municipal year.

Cabinet portfolio

Leader of the Council - Overall responsibility for Council strategy, the corporate plan, communications and public relations, emergency planning, government relations and liaison with local MPs and West Midlands leaders. Association of Black Country Authorities and Black Country Joint Committee. Strategic and operational financial management and administration, insurance, risk management, policy led budgeting. Financial Regulations, Audit, Legal and Democratic Services.

Any Portfolio as appropriate.

Quorum

The quorum of the panel shall be one third of the membership, subject to a minimum of two.

Meetings

The panel will meet four times, or thereabouts, and will usually be held at the Council House, Walsall at 6.00 p.m.

Access to information

The panel will comply with the Access to Information Rules set out in Part 4 of the Constitution.

Remit

The Scrutiny Overview Committee shall:

- Lead on the planning and co-ordination of the programme of activities and in depth studies of the three Overview and Scrutiny Committees ;
- Hold discussions with Portfolio holders over matters such as pre-decision Scrutiny and the programme of policy reviews;
- Act as a vehicle of mutual learning.

Education and Children's Services Overview and Scrutiny Committee

Membership

Eleven Members of the authority as determined by the Council, together with co-opted members as approved by the Council. As the panel dealing with education matters the membership shall include:

- (a) at least one Church of England diocese representative (voting);
- (b) at least one Roman Catholic diocese representative (voting)
- (c) three parent governor representatives (voting);
- (d) representatives of other faiths or denominations as appropriate;
- (e) one representative from Primary School Teachers (non-voting);
- (f) one representative from Secondary School Teachers (non-voting).

Substitutes

Substitute members may be nominated to the Committee in accordance with paragraph 4 of the Council procedure rules (Part 4).

Chairman and Vice-Chairman

The Chairman and Vice-Chairman will be appointed at the Annual Council meeting for the municipal year.

Cabinet portfolio(s)

Care and Safeguarding – care services for older people and people with learning disabilities, people with physical disabilities and people with mental health needs, health partnership, community meals, supporting people, protection for vulnerable adults. Services for children in need of help and protection, children looked after and care leavers.

Learning Skills and Apprenticeships – education services, interagency cooperation, involvement of children and young people, youth parliament, children's trust arrangements, youth offending services, youth service, schools meals commissioning, adult learning. Business liaison.

Quorum

The quorum of the panel shall be one third of the membership, subject to a minimum of two.

Meetings

The panel will meet six weekly, or thereabouts and will usually be held at the Council House, Walsall at 6.00 p.m.

Access to information

The panel will comply with the Access to Information Rules set out in Part 4 of the Constitution.

Remit

All aspects and general services related to serving children and young people.

The scrutinising of performance in relation to the following Corporate Plan priority:-

- Improving Educational Achievements.

Corporate and Public Services Overview and Scrutiny Committee

Membership

Eleven Members of the authority as determined by the Council, together with co-opted members as approved by the Council.

Substitutes

Substitute members may be nominated to the Committee in accordance with paragraph 4 of the Council procedure rules (Part 4).

Chairman and Vice-Chairman

The Chairman and Vice-Chairman will be appointed at the Annual Council meeting for the municipal year.

Cabinet portfolios

Deputy Leader and Economy, Infrastructure and Development – Economic development, physical development, markets, property and asset management, Black Country Consortium, sub regional regeneration issues. Town and district centres, planning policy and local development framework. Strategic housing role. Community safety, Safer Walsall Partnership, public protection. Traffic and transportation, car parks, strategic transport and highways.

Community, leisure and culture – Neighbourhood management, community engagement and consultation, community associations, voluntary and community sectors. Parks, leisure and culture services including the New Art Gallery, libraries, catering service, sports and museums. Cemeteries and crematoria.

Clean and Green –gateways and corridors, pollution control, waste strategy, refuse collection, recycling, street cleaning and the Council's vehicle fleet.

Shared Services and Procurement – Advising the Leader on issues relating to governance and decision making processes including the Corporate plan. Shared services, including ICT, procurement, business change and member development. Money, home, job. Other issues that may arise from time to time as directed by the Leader.

Personnel and Business Support – HR Function

Quorum

The quorum of the panel shall be one third of the membership, subject to a minimum of two.

Meetings

The panel will meet six weekly, or thereabouts and will usually be held at the Council House, Walsall at 6.00 p.m.

Access to information

The panel will comply with the Access to Information Rules set out in Part 4 of the Constitution.

Remit

- All aspects and general services related to:-
 - o The Economy and Environment;
 - o Resources;
- Scrutiny of the responsible authorities in terms of how they are tackling crime and disorder for the benefit of the local communities (no less than once a year) as required by the Crime and Disorder (Overview and Scrutiny) Regulations 2009 which came into force for local authorities in England on 30 April 2009;

- Scrutiny of the exercise of flood risk management functions which may affect the local authority's area as required by the Flood and Water Management Act 2010 within the functions set out in Section 21 of the Local Government Act, 2000 (as amended).
- The scrutinising of performance in relation to the following Corporate Plan priorities:-
 - Creating jobs and helping people get new skills;
 - Helping Local High Streets and Communities;
 - Helping create more Affordable Housing;
 - Support with cost of living.

SOCIAL CARE AND HEALTH SCRUTINY AND PERFORMANCE PANEL

Membership

12 Members of the authority as determined by the Council, together with co-opted members as approved by the Council.

Substitutes

Substitute members may be nominated to the Committee in accordance with paragraph 4 of the Council procedure rules (Part 4).

Chairman and Vice-Chairman

The Chairman and Vice-Chairman will be appointed at the Annual Council meeting for the municipal year.

Cabinet portfolios

Public Health and Wellbeing - Public health, Chair of Health and Wellbeing Board

Social care - care services for older people and people with learning disabilities, people with physical disabilities and people with mental health needs, health partnership, community meals, supporting people, protection for vulnerable adults. Money, home, job.

Quorum

The quorum of the panel shall be one third of the membership, subject to a minimum of two.

Meetings

The panel will meet six weekly, or thereabouts and will be held at the Council House, Walsall at 6.00 p.m.

Access to information

The panel will comply with the Access to Information Rules set out in Part 4 of the Constitution.

Remit

All aspects and general services related to social care/health service matters including health partnership matters and the public health agenda as conferred under the Health and Social Care Act 2001 within the functions set out in Section 21 of the Local Government Act, 2000 (as amended).

The scrutinising of performance in relation to the following Corporate Plan priority:-

- Promoting Health and Wellbeing