

13 March 2018

Overview and Scrutiny Committee Models

Ward(s) All

Portfolios: Councillor S. Coughlan - Leader

Executive Summary:

At the last meeting of the Committee Members considered a recommendation from the Education and Children's Services Overview and Scrutiny Committee to split the committees existing remit into two committees, one for education and the other for children's services. This resulted in a wider discussion about the local scrutiny function that included the remits of committees, different structures and resources. This resulted in recommendations that the scrutiny committee structure and support available to it be reviewed in the new municipal year. This report provides examples of different scrutiny models and approaches that could be undertaken locally. Further to a suggestion at the last meeting it also includes details on the remits of education and children's services scrutiny committees at authorities with 'good' or 'outstanding' Ofsted inspection results.

Recommendation:

That, subject to any comments or recommendations Members may wish to make, the scrutiny models and approaches to scrutinising children's services and education be noted.

Report:

Statutory Requirements

Varying pieces of legislation require local authorities to have in place specific structural processes in order to carry out its overview and scrutiny role. The Localism Act 2011 sought to consolidate a number of provisions which are still formally located in the 2000 Act. This incorporates powers originally brought in through measures such as the Health and Social Care Act 2001, Local Government Act 2003, Local Government and Public Involvement in Health Act 2007 and the Local Democracy, Economic Development and Construction Act 2009. Powers to scrutinise community safety partnerships can still be found in the Police and Justice Act 2006.

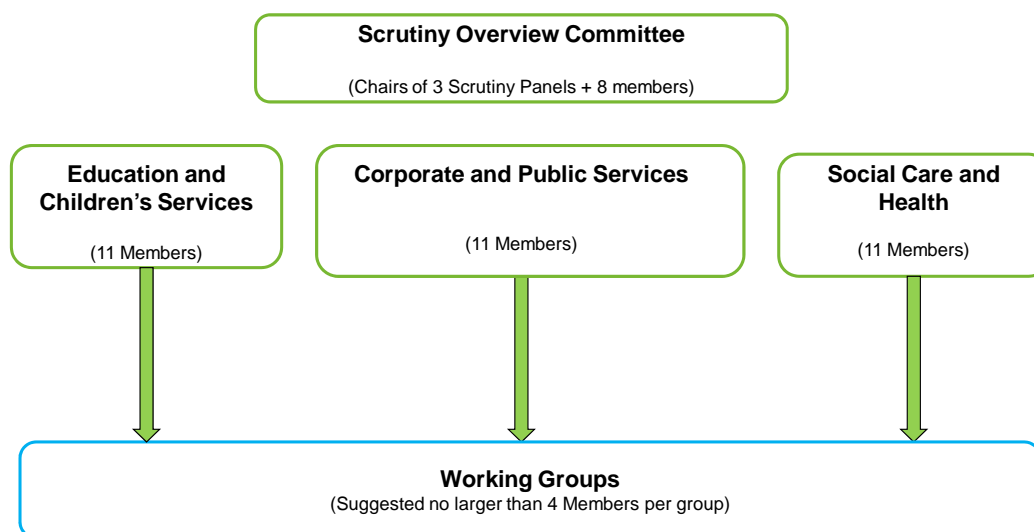
The pre-requisite requirements for local authority scrutiny are:

1. At least one overview and scrutiny committee that is politically proportionate (Local Government Act 2000);

2. A requirement to have education co-opted members on overview and scrutiny committees that deal with education matters (Local Government Act 2000 and Parent Governor Representations Regulations 2001);
3. A requirement to have an overview and scrutiny committee to consider health service matters (Health and Social Care Act 2001) including the requirement to respond to consultations that constitute a substantial variation in service (Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002);
4. A requirement to have an overview and scrutiny committee to consider crime and disorder matters at least once every 12 months (Police and Justice Act 2006 and Crime and Disorder (Overview and Scrutiny) Regulations 2009).
5. A requirement to have an overview and scrutiny committee to consider flood risk management functions that may affect the local authority's area (Flood Risk Management Act 2010).

Current model

The model currently utilised at Walsall is one that was recommended by Professor Steven Leach following his review of scrutiny in 2015.



Professor Leach recommended the retention of separate health and children's services overview and scrutiny committees and for all other matters to fall under the remit of the Corporate and Public Services Overview and Scrutiny Committee. Professor Leach's intention was for this committee to carry out much of its work through small task and finish groups due to the size of its remit as he acknowledged it would not be possible to undertake scrutiny of a large number of items at committee meetings, on this point Leach said: *'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.'

Commissioning model

As discussed above the commissioning model is one that Professor Leach thought Walsall could work towards introducing. Here there is a single overview and scrutiny committee that has all the statutory functions vested in it. Members then engage through a combination of committee work and numerous task and finish groups that produce reports and recommendations to the Commissioning Committee.

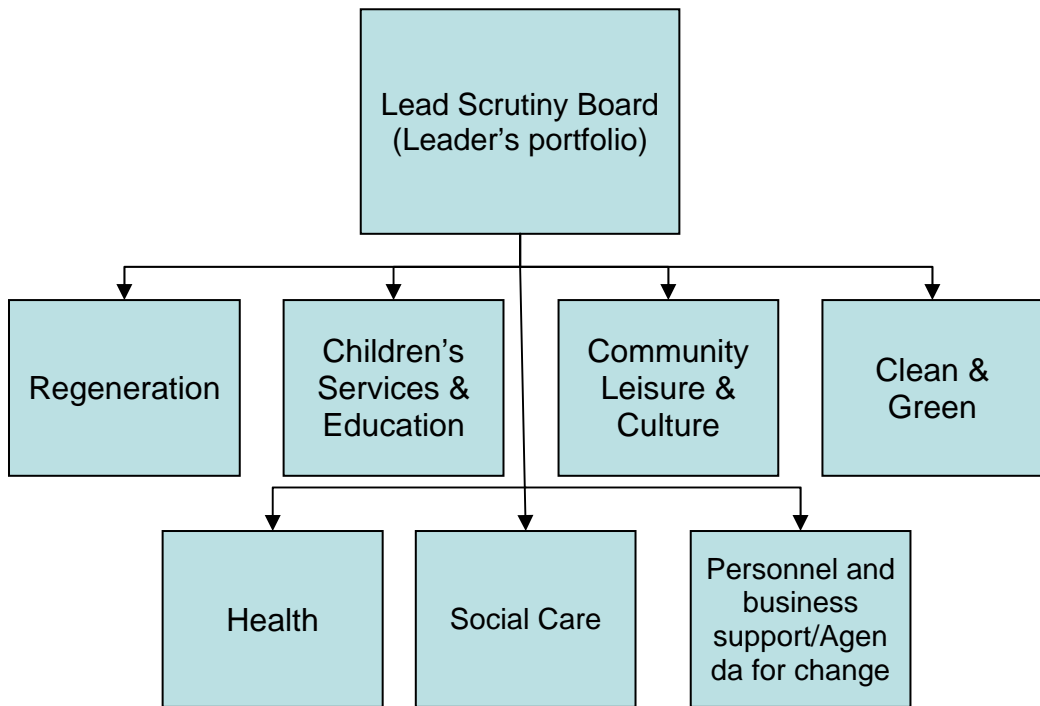


| Advantages | Disadvantages |
|---|--|
| <p>Streamlined approach.</p> <p>Increase member capacity to deal with detailed issues as task and finish groups.</p> <p>Officer resources realigned away from heavy concentration on administrative role to increased policy focus supporting task and finish groups.</p> | <p>Cultural change required by Members and Officers.</p> <p>Some areas of work could be neglected without a structured approach to what is covered and by whom.</p> <p>Question over handling of health and crime and disorder roles.</p> <p>Cuts across Executive Director roles and responsibilities.</p> <p>Where would Call-in's and petitions be reported?</p> <p>How would special responsible allowances be distributed?</p> <p>May require increased senior officer time if several pieces</p> |

| | |
|--|--|
| | <p>of work are commissioned within their area / alternatively may reduce senior officer time if less work is commissioned in their area.</p> <p>Unclear how successful this model is in operation at a council of this size.</p> |
|--|--|

Portfolio model

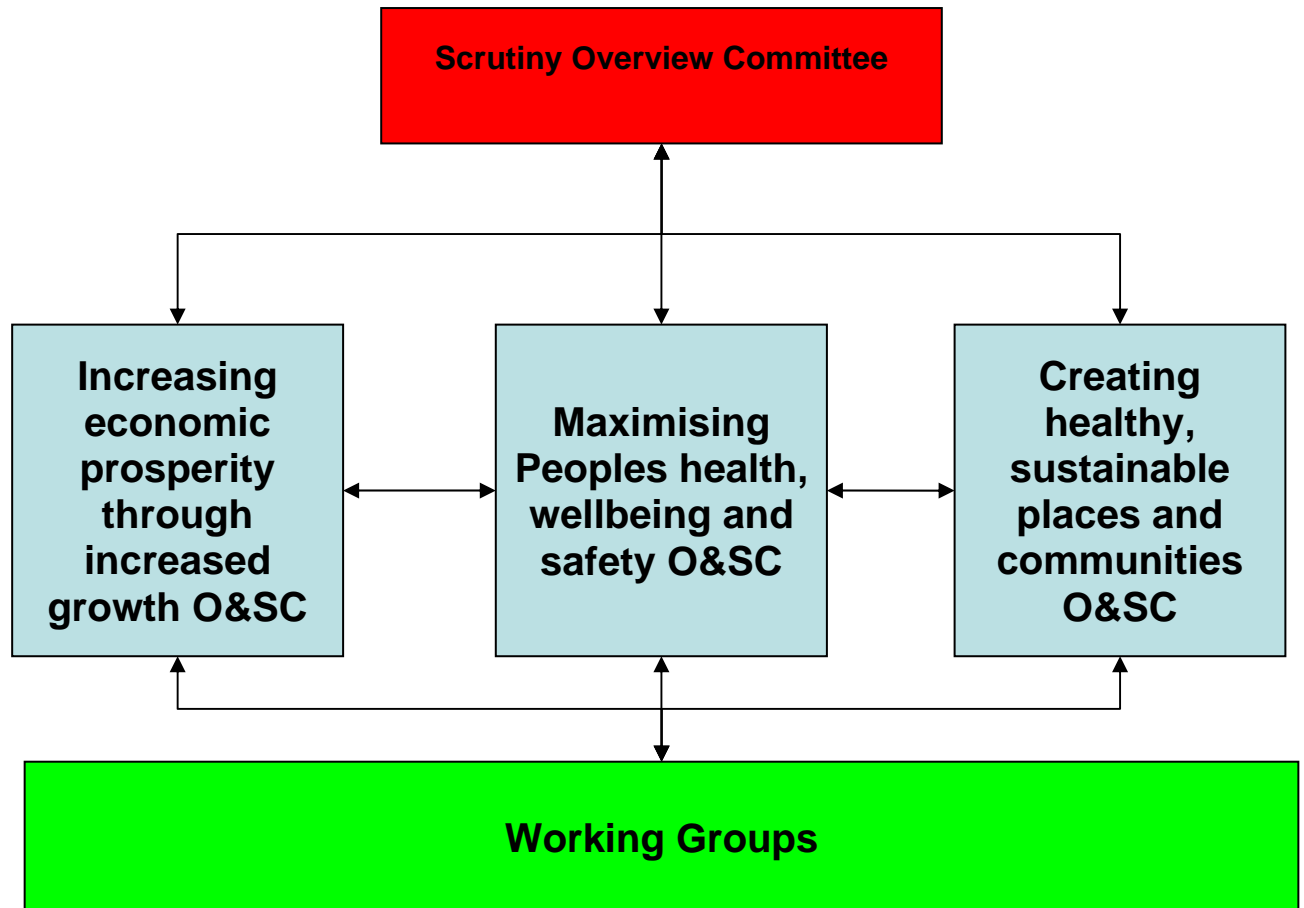
Another scrutiny model could be having an overview and scrutiny committee per Cabinet portfolio. This could be as follows:



| | |
|---|---|
| <p>Advantages</p> <p>Clear link between portfolio and Scrutiny remit</p> <p>Scrutiny remit would be clear and in most cases smaller than the current directorate focussed model.</p> <p>Health and Crime and Disorder scrutiny would fall simply under the portfolio that held those responsibilities.</p> | <p>Disadvantages</p> <p>8 Portfolios (currently) to cover makes implementing and maintaining this option very resource heavy. Officer and Member capacity limited.</p> <p>Scrutiny work programme could mirror cabinets at the expense of other important non related cabinet issues.</p> <p>Inward focus, lack of external scrutiny</p> <p>Refresh of scrutiny remits would be required on changes to portfolio remits.</p> |
|---|---|

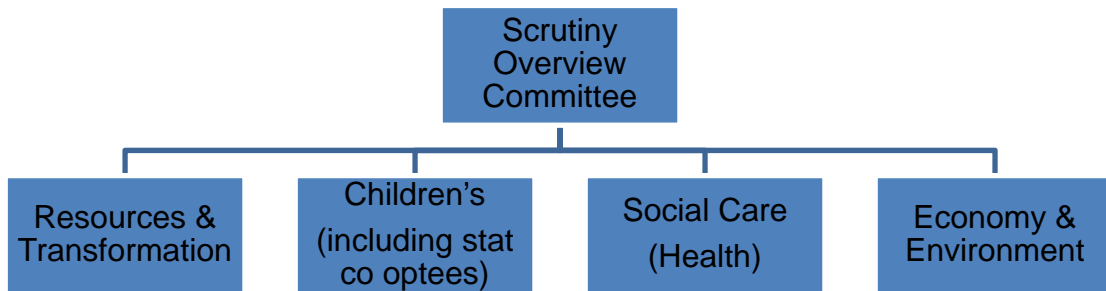
Strategic Plan Model

Alternatively a model that was based on the three strategic priorities for the borough as set out in the Walsall Plan could be adopted. Under this model the structure could look like this:



| Advantages | Disadvantages |
|--|---|
| <p>Lends well to external scrutiny. Focus on delivery of priorities by partners rather than Council focussed.</p> <p>Increased ability to deal with cross cutting issues.</p> <p>More outward focus.</p> <p>Potentially easier to engage partners with remits.</p> | <p>Potential difficulties with remits being understood.</p> <p>More reliant on partner buy-in.</p> <p>Question over where Health and Crime and disorder would sit – as separate committee or as part of Walsall Plan perspective?</p> <p>Would take time and resource to embed.</p> <p>Cuts across Executive Director roles and responsibilities.</p> |

Directorate focussed model



| Advantages | Disadvantages |
|---|---|
| <p>A straightforward model.</p> <p>Any carry over items and working groups can be easily transferred from year to year.</p> <p>Clear accountability i.e. Executive Director for each directorate reports to 1 Scrutiny Committee.</p> <p>Management Committee acts as lead scrutiny panel and assists with co-ordination of cross cutting issues.</p> | <p>Directorate structures change, therefore Panel remits become misaligned to directorate.</p> <p>Potentially inefficient in the scrutiny of partnership issues.</p> <p>Not enough outward focus as tendency could be to focus on Council issues.</p> <p>Perception that the large areas of Social Care and Health Scrutiny has a diminished status as part of a Panel with a larger remit.</p> |

Scrutiny of children's services

At the last meeting a discussion took place on the scrutiny of children's services with the view to creating committees to scrutinise education and children's services. During the discussion the question was asked 'what does children's scrutiny look like at local authorities who achieved positive ofsted inspections?'. The LGA Lead Children's Improvement Advisor, Claire Burgess, has advised on 'good' and 'outstanding' local authorities. This research has identified a multiplicity of approaches as set out below.

| 'Good' Authorities | Committee |
|---|---|
| <p>Shropshire</p> <p>Staffordshire</p> <p>Wolverhampton</p> | <p>People Overview Committee (one committee considering children's and adults safeguarding, education and housing)</p> <p>Two Committees. Prosperous Select Committee responsible for education and wider economic growth. Safe and Strong Communities Select Committee responsible for safeguarding alongside community safety issues.</p> <p>One committee to consider Children, Young People and Families Scrutiny Panel</p> |
| 'Outstanding' authorities | Committee |
| <p>Camden</p> <p>Merton</p> <p>North Lincolnshire</p> | <p>Single committee 'Children's, Schools and Families Scrutiny Committee'</p> <p>Single 'Children and Young Peoples Overview and Scrutiny Panel'</p> <p>'People Scrutiny Panel' responsible for children's services and education matters but <u>all</u> scrutiny committees have a corporate parenting responsibility and a commitment to children in care and care leavers element included in their terms of reference.</p> |

Author:

Craig Goodall
 Senior Democratic Services Officer
 Executive | Scrutiny | Charities

☎ 01922 654765

✉ craig.goodall@walsall.gov.uk