

Chief Executive
Shirehall,
Shrewsbury
SY2 6ND
November 2022

Preview copy

Dear Andy Begley,

Scrutiny Improvement Review Shropshire Council

I am writing to thank you for inviting the Centre for Governance and Scrutiny (CfGS) to carry out an evaluation of Shropshire Council's scrutiny function. This letter is our feedback on our review findings and offers suggestions on how the Council could develop its scrutiny process further.

As part of this feedback stage, we would like to facilitate a workshop with members and officers, in order to reflect on this review and to discuss options for improvement.

1. Review Background

Shropshire Council commissioned CfGS to advise and support its members and officers in the review of the Council's scrutiny function. The aim is to ensure that scrutiny is effective in delivering accountability, improving policy and decision making, and that the scrutiny function makes a quality contribution in the delivery of Council plans and overall improvement. The review investigated four specific areas of scrutiny:

1. Organisational commitment and clarity of purpose.
2. Members leading and fostering good relationships.
3. Prioritising work and using evidence well.
4. Making an impact.

The Council had a peer review in 2017 which made a number of recommendations for Scrutiny. This review has built upon this previous work. Out of the six recommendations, the first three are particularly still relevant.

1. Develop a shared vision of what overview and scrutiny means for Shropshire.
2. To drive cultural change and a broader cultural acceptance of scrutiny's role, member and officer champions for scrutiny should be identified.
3. A comprehensive training programme around scrutiny for members and officers should be planned and delivered.
4. A dedicated Officer Scrutiny resource should be put in place.
5. New structures, processes and protocols should be put in place to deliver improvements.
6. These changes will need to be carefully planned and implemented at pace.

Shropshire's political structure is based on Leader and Cabinet-Executive with five Scrutiny Committees. The current Scrutiny Committees have the following roles.

- Communities Overview Committee.
- Health & Adult Social Care Overview and Scrutiny Committee.
- People Overview Committee.
- Performance Management Scrutiny Committee.
- Place Overview Committee.

Shropshire also is part of a Joint Health Overview and Scrutiny Committee

CfGS undertook a review of these scrutiny arrangements. This involved evidence gathering through conversations with members and officers from September to November 2022. We met with 29 officers and elected members across a total of 18 meetings, including group leaders, scrutiny chairs, members of the scrutiny committees, the senior management team, and officers supporting scrutiny.

The review was conducted in person at Shire Hall for two days on Wednesday 28th September and Thursday 29th of September 2022, and also via MS Teams before, during and after this time. In addition, we observed webcast recordings of scrutiny meetings and reviewed key documents on the Council's website. We also conducted an online survey with councillors, twenty-seven members responded, which equates to a 20% response rate.

The review was conducted by:

- Camilla de Bernhardt Lane – Senior Governance Consultant, Centre for Governance and Scrutiny

2. Review Summary

The findings and recommendations presented in this report letter are intended to advise the Council on strengthening the quality of scrutiny activities, increasing the impact of its outputs, and through its members, developing a strong and shared understanding of the role and capability of the scrutiny function.

This review is timely and there is a real sense of the opportunity and need to make the changes outlined in this report to achieve an effective Scrutiny function for the benefit of the residents of Shropshire.

Shropshire has many of the elements present to achieve an effective scrutiny function. There are already pockets of good practice and the Cabinet and senior leaders we spoke to were welcoming of a greater scrutiny contribution to good governance. Likewise, we observed knowledgeable and passionate chairs. Members and Officers tend to have good relationships based on trust. This is a strong base from which to develop Scrutiny. However, we heard that there are underlying political tensions, and Scrutiny is not universally understood or able to make the contribution to good governance and Council direction setting that it could do. Without positive action and development work the contribution of Scrutiny to good governance is likely to drift. Specifically,

more work could usefully be undertaken to align the Scrutiny work program with issues that matter to the people of Shropshire and the Shropshire Plan. In addition, resourcing has been an issue, but is now well on the way to being resolved.

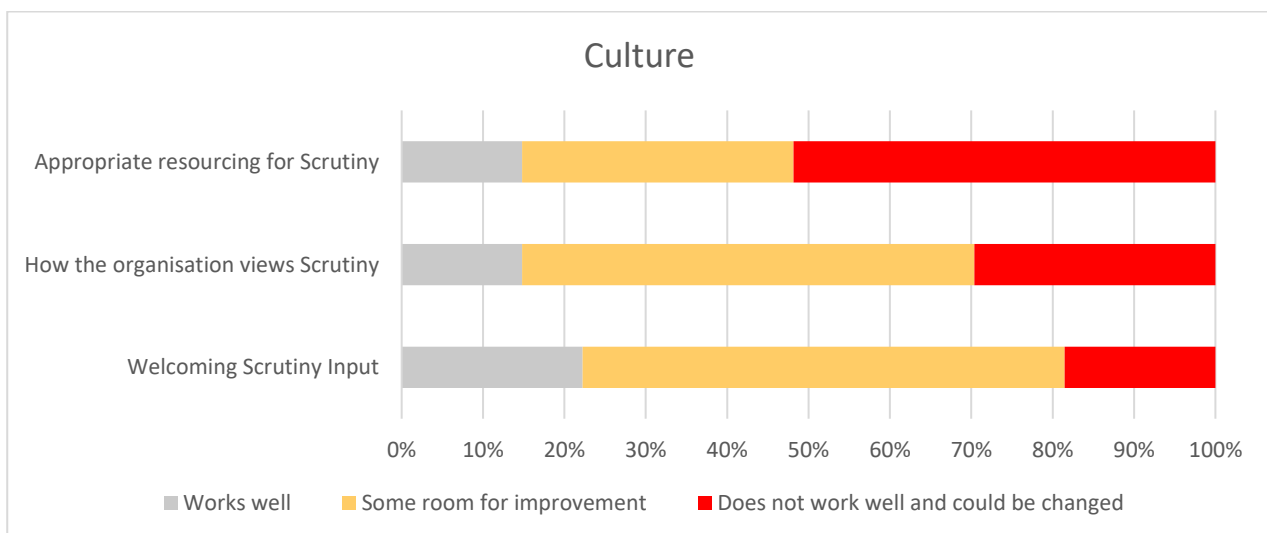
3. Organisational commitment and clarity of purpose

There is a strong organisational commitment to good scrutiny at Shropshire. This is clear from the additional resource commitment that has recently been dedicated to the Scrutiny function. It is also clear from the interviews and conversations with senior leaders where Scrutiny was described as a ‘critical part of the machinery of the organisation.’ There is a hope that this can be better realised in the future. The fundamental question for the Scrutiny function is how it can align with the Shropshire plan and add value to good decisions? It is vital that Cabinet sets the tone for positive scrutiny and welcomes the contribution made by non-executive councillors.

3.1. Clarity on Scrutiny’s role and responsibilities

A clear theme of this review is the current, generally accepted, disconnect between the potential of Scrutiny and the contribution that it currently makes. Scrutiny is expected to use its delegated authority, soft powers of access and influence to hold the Executive to account, support policy development, contribute to improved decision-making, and channel the voice of the public. This is achieved through collaboration and strong constructive challenge, based on quality information and robust questioning strategies. A good scrutiny function is one that provides not only effective challenge but is recognised and valued as a body that positively informs policy development. To this end, the Council’s website could be updated to give a greater visible presence to democratic accountability.

The chart below demonstrates the aggregated responses to questions about culture, presented with the most negative statements first:



3.2. Scrutiny resourcing

The question with the most negative statements; ‘does not work well and could be changed’ is appropriate resourcing for Scrutiny, with more than half of respondents saying this. It was clear in our investigation that there have been challenges with a stretched Democratic Services Team. At times, minutes have not been published in a timely way and there has been drift on the effectiveness of the Scrutiny function. The one Scrutiny Officer that the Authority has, had in recent years, has been undertaking a heroic amount of work, in order to try to make the Scrutiny function a success.

We were pleased to see that at the same time as conducting this review that the Council has made arrangements for additional support for Scrutiny. These have taken the form of appointing a Scrutiny Manager and sharing the intention to recruit for another Scrutiny Officer. This would bring the Scrutiny team to a compliment of three, up from one individual. It is clear that there is potential to extend the reach and impact of Scrutiny with this additional resource. We hope that this will support the implementation of the recommendations in this report.

3.3. Potential of greater pre-decision Scrutiny, welcoming Scrutiny input

From the survey results there was also room for improvement about how the organisation views Scrutiny and welcoming Scrutiny input. There is a commitment to publish ‘Green Papers’ in advance of policy decisions, with the intention of engaging with Scrutiny at an earlier stage of the policy development process. This is a strong practice, and one that works well with Scrutiny. Senior officers and members saw the potential useful steer on direction in engaging with Scrutiny in this way. However, there had been limited numbers of Green Papers to date, so it was difficult to ascertain the extent to which the practice is working.

We recommend:

- **Developing regular communication and information sharing so that Scrutiny can be a resource that can inform Executive decision making.** This could be achieved through holding triangulation meetings between scrutiny chairs, executive members and relevant directors, to consider future issues and the part which scrutiny could play in testing and shaping these forward plans. It would also present an opportunity to share and discuss opportunities to involve scrutiny as an improvement asset, this should be done transparently, with consideration given to how this could move beyond politics.
- **Regular Communication and information sharing should also include the extension of the practice of Green Papers with scrutiny members to further develop pre-decision scrutiny.** This practice represents a clear and transparent opportunity for non-Executive Members to make the biggest difference to policy direction.
- **Training to develop an appreciation of the Scrutiny function and potential** at both member and officer level, looking at how to get the best from scrutiny. Including agreeing a shared purpose and questioning skills.

- **Greater prominence given to scrutiny and democratic representation on the Council's website.** Currently it is difficult to find, and greater prominence would support a higher profile for Scrutiny with members of the public.

4. Prioritising work and using evidence well

We heard that Scrutiny has been 'coasting' for a couple of years without a clear direction or purpose. There is a need to take a coherent and structured approach to work programming to achieve the best use of resources. Scrutiny has a tendency to be more retrospective, rather than forward looking. It is important that scrutiny carries out reviews and assesses performance, but there is a missed opportunity for it to add value to council policy and strategy through greater emphasis on the big challenges and opportunities ahead.

There is a need to develop agendas that connect with the issues of the moment, rather than an immediate adoption of any issue that is suggested from the meeting. There are comprehensive tools that other local authorities apply to work programming, and we would suggest adopting something of this standing to support a clear evaluation of which topics to focus upon. This will also support greater member-ownership of the scrutiny agenda. The following check list could help to prioritise items to add to the work programme:

- Performance consistent concern, or unexplained spike
- High Risk - with concern that mitigations are not sufficient
- Complaints - Serious or high volume
- In the Public Interest—affecting the rights, health, finances or services for Public at large
- Pan-Area impact, affecting people across the whole area
- Impact – what difference can Scrutiny add by looking at the issue?

Scrutiny should also consider that fewer, meaningful items to be actively considered at Committee is better practice than receiving information briefings or noting many reports.

4.1. Meeting efficiency and Scrutiny challenge

There are some clear areas where improvements can be made. We have heard that some Councillors, particularly newer ones, may lack understanding and as a result parts of agendas are given over to information. It is essential that scrutiny meetings do not become classrooms for learning and information up-dates, but remain focused on the scrutiny task, challenge, and improvement. This is likely linked to the practice of noting reports which we have heard does happen at some meetings. Policy briefings, service overviews and the like should be planned and scheduled and could even be open to all councillors. This might help to enable wider member engagement in Council business and streamline scrutiny workloads.

In practice, the strategic challenge of Cabinet Members needs to be strengthened. Within meetings, we found that scrutiny tends to focus on officers and officer reports. Where Cabinet Members are involved in Scrutiny it can be light touch, rather than an exploration of current policy, or decisions where Scrutiny can play a valuable role in shaping and improving. Scrutiny of

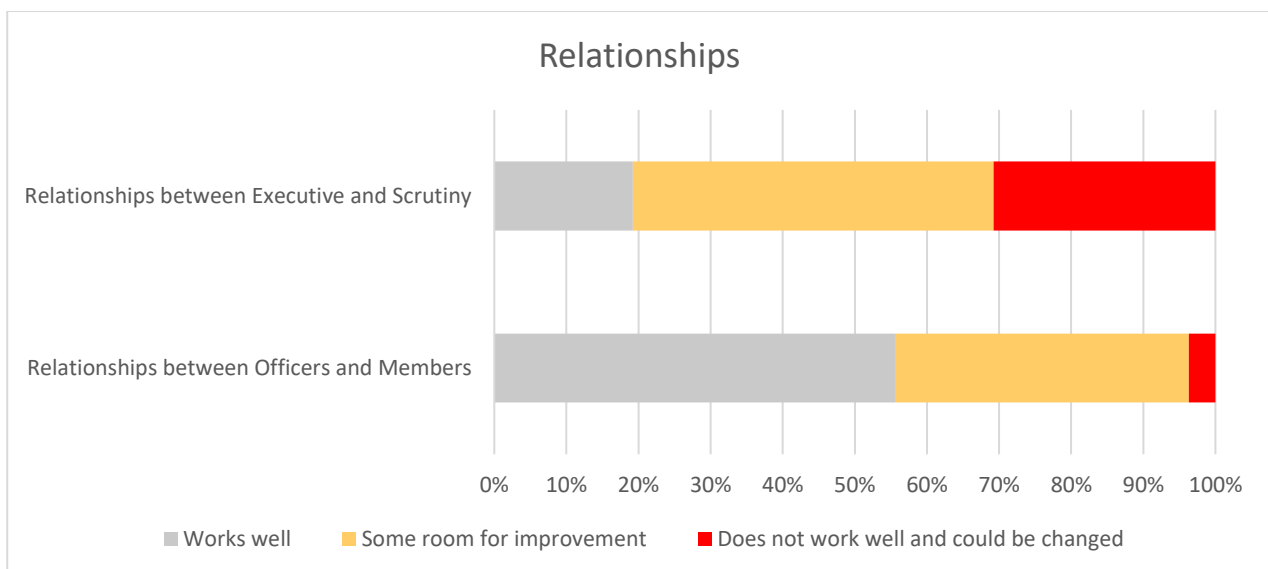
Cabinet Members should form a key part of Committee business, and Cabinet Members regularly attending scrutiny to answer questions on items within their portfolio responsibilities is vital.

We recommend:

- **Greater visible alignment with the ambitions in the Shropshire Plan;** with clarity over lines of enquiry which in turn will lead to the ability to see Scrutiny’s impact and connections. This includes the selection of items and issues to look at as well as those put forward for task and finish groups.
- **Building upon the approach taken to work programming** by applying a prioritisation tool and approaching this with dedicated time at yearly intervals.
- **Tracking and follow up of recommendations** made to each Scrutiny Committee. Each Committee should be clear about the impact that they have had, and greater tracking of recommendations will support this.
- **A dedicated programme for member training and development.** This must be Member-led to support increased awareness and understanding for each Committee. This should also reduce the need for items for information and noting at Committee.

5. Members leading and fostering good relationships

The survey results suggest that there are areas for improvement in relationships, particularly those between the Executive and Scrutiny and in the set up and execution of Scrutiny.



5.1. Relationship between Executive and Scrutiny

Scrutiny's success is dependent on the right members, with the right capabilities and attributes, leading and managing the scrutiny function. Scrutiny chairs have a vital task in leading the committee, ensuring that it builds and maintains strong relationships with the Cabinet, officers and relevant external partners. Chairs can also lead on setting the working culture of Scrutiny, helping it to set and uphold high standards of behaviour, engagement, and debate, ensuring good cross-party working.

The lack of opposition members involved in Scrutiny chairing roles was raised as an issue in our evidence gathering. This issue was raised by almost all opposition members who answered the survey. Although there is no single 'right' approach to selecting chairs - the emphasis ought to be on selecting chairs based on skill set and capability and providing ongoing training and support. There is clearly an undercurrent of dissatisfaction in this area. In our experience opposition Chairship does not automatically lead to better Scrutiny.

This is closely related to another issue raised by members of the Opposition, that of political proportionality on Scrutiny Committees. Some members reported concern that the majority of seats on Scrutiny are held by the Administration. Committee allocation of seats must reflect council political balance in accordance with the Local Government and Housing Act 1989. However, the number of seats on each Committee is entirely determined by the Council. Currently there are ten seats on each Scrutiny Committee, with some members holding seats on more than one Scrutiny Committee.

We heard that proactive engagement between Scrutiny and the Executive could be improved before scrutiny meetings. We understand that development work has been done with the leadership team including Cabinet e.g., on away days, and we would suggest that this is extended to Scrutiny Chairs and Vice Chairs. Members of the Administration should work with the Opposition to move beyond politics and political point scoring. Effective working and impact can often achieve this where the focus is upon issues, rather than grabbing headlines or point scoring. To enshrine a positive way of working it may be helpful to develop a Scrutiny-Cabinet protocol in the constitution. It would also be advisable to share the chairing of task groups to members from any group, as well as to consider allocating Vice Chair positions to Members from different political parties than the Chair positions.

5.2. Relationships between officers and members

This was an area that both officers and members praised. It was felt that in the large part Shropshire is a welcoming council to both officers and members. The word 'trust' was used in several interviews, suggesting that there is a strong trust relationship between officers and members. This was echoed in the members' survey with most respondents saying that relationships between officers and members works well, and less than 5% saying that it does not work well.

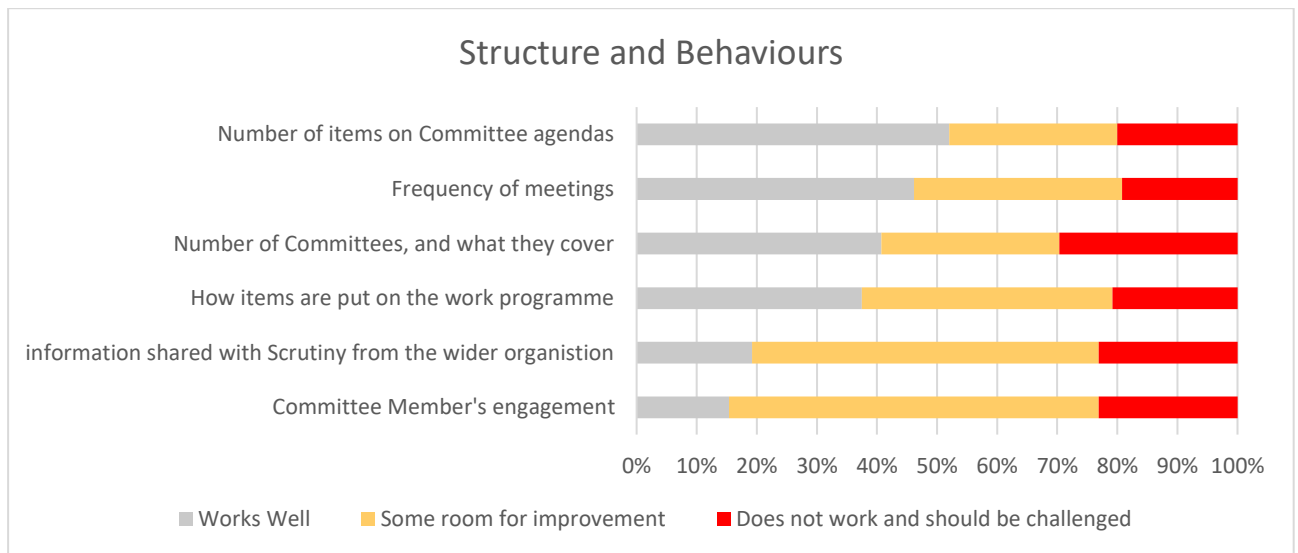
This is positive, but scrutiny members should also make sure that they are asking for evidence behind assertions. There was support for scrutiny being more challenging, particularly from officers. Scrutiny should not be challenging for the sake of it, but it should sense check the data

upon which assumptions rest. This does not mean difficult, or hostile. However, it should be asking forensic questions and building upon understanding to ask questions which are illuminating. Scrutiny should be looking to understand the evidence behind presentations and reassurance given by officers.

5.3. Structure

On structure and behaviours, the results on the graph below have been presented according to the most positive 'works well' response'. Across all of these areas about twenty percent of responded feel that the areas 'do not work well and should be changed'. This is consistent with frustrations mentioned by opposition councillors.

The number of Committees and what they cover is the area with the most negative feeling, although 40% of members felt that this worked well. It is for local authorities to determine the structure that works best for them, and there are examples of good scrutiny with a range of number of committees. The structure of scrutiny should provide clarity, currently it is extremely unclear where some issues should be discussed, and this was raised in many of the conversations we had with members and officers. In particular we heard that there are confusions over what issues should go to Health & Adult Social Care Overview and Scrutiny Committee and which to the People Overview Committee and likewise items could also legitimately be considered at the Place Committee and at the Communities Committee. There is currently no effective mechanism to avoid duplication of similar or overlapping reports coming to these Committees.



In addition, the engagement of committee members was an area that 85% of the survey respondents believe could be improved, or does not work. In our conversations, several members said that they could not identify the value of Scrutiny. In our experience this is linked to engagement; if councillors feel like they are making an impact, they are more likely to be engaged.

We were told that there is a mixed level of engagement from those who sit on Scrutiny, with some members having poor attendance and others showing minimal levels of involvement within

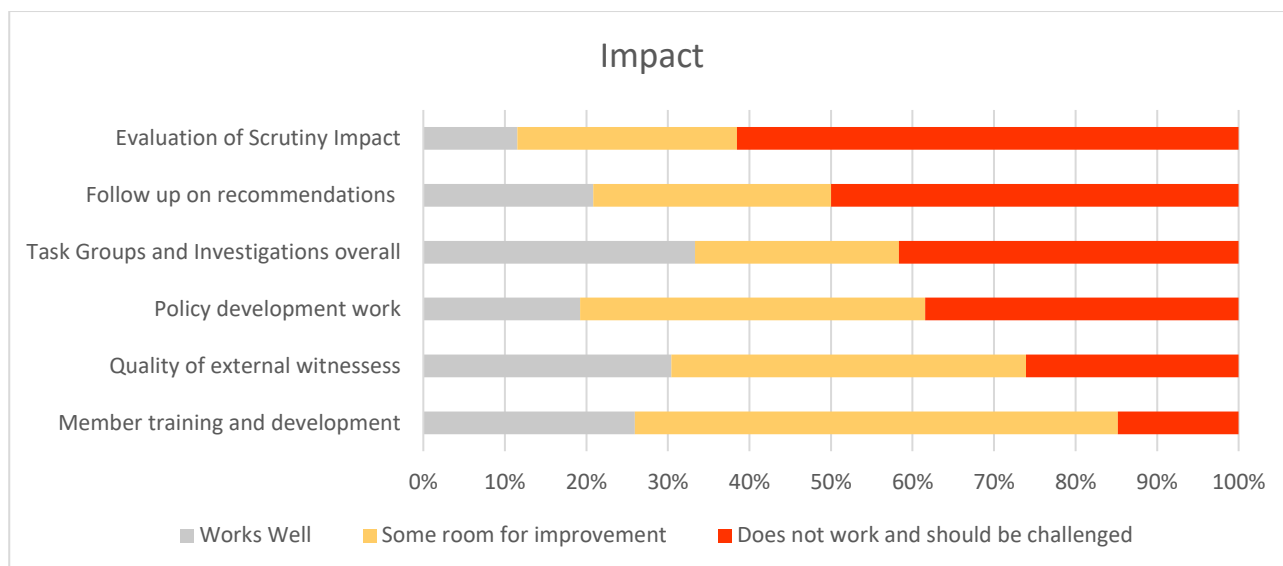
committee meetings. Although this is not the case across the board, and some members are very conscientious. It was suggested that some members may feel disenchanting with the impact that they can make through scrutiny. However, engagement, contributions, and challenge from all members of Scrutiny is essential if individual members wish to have an influence on shaping decisions, and if Scrutiny is to fulfil its role in being a space for cross-party inquiry. This not only requires attendance, but background preparation for meetings.

We recommend:

- **The Council changes the current scrutiny committee structure.** This would support more focused work programming and clarity about where issues should be considered. The current makes up of 5 Committees is confusing and unhelpful and not aligned to either the elements of the Shropshire Plan or Directorates. The Council could use either of these structures to better organise scrutiny work.
- **Involve all members of scrutiny, regardless of party, in direction setting and scrutiny leadership. This should include consideration of opposition Vice Chairs and a wide range of members chairing task groups and leading on scrutiny work.** It should also include a transparent approach to work programming so that all Scrutiny Members feel ownership of the issues on the work programme.
- **Development of a Cabinet-Scrutiny Protocol.** The exercise of development of this protocol may help formalise how Cabinet and Scrutiny work together for the benefit of the people of Shropshire. Conversations to develop such a protocol should involve members of all political parties.

6. Making an impact.

The survey of members found that evaluation of impact should be challenged or has room for improvement for almost 90% of councillors. Likewise, the follow up of recommendations needed to be changed for more than half of respondents, with less than 20% saying that this worked well. The survey results found that there were high levels of dissatisfaction across many areas of impact. In discussion many members were unclear about how to achieve impactful scrutiny; *'a lot of the time I feel scrutiny is a pointless talking shop'*. Some Members were also open about a lack of understanding about the specific areas they are asked to scrutinise. Members felt that more briefings to provide them with core knowledge, especially on more complex or technical issues would be welcome and equip them better as scrutineers.



6.1. Annual report

More than 60% of respondents thought that evaluation of scrutiny impact had significant room for improvement. We heard that there was not an annual report produced last year. However, it has been the practice to do so in previous years. However, these were reported to have been more focussed upon describing process rather than majoring upon the value that scrutiny has added.

Best practice in this area is for an annual report that gives a clear narrative about the contribution that scrutiny has made to good decision making at the Council. This might include an evaluation of the impact of resolutions and changes that have been made as a result of scrutiny work, as well as a high-level description of activities that Scrutiny has undertaken. This is a useful platform for non-scrutiny members to understand the work of the Scrutiny function, as well as for those members involved in scrutiny to present their successes.

6.2. Task and finish groups

On task groups and investigations overall, a third of members believed they worked well. However, this is set against more than 40% saying that they do not work and should be changed. This reflects our findings, where there are some areas of effective work, but this is inconsistent.

We understand that some task and finish groups are set up because of an absence or a lack of information about a particular area, rather than to develop policy or review an issue or service. Whilst we would expect learning to be a central feature of a task and finish group, we would look for a more active element as well. There are other approaches which would more usefully be used to ascertain information. Briefing papers and sessions as determined by councillors would help to focus task and finish group topics on areas where scrutiny members could make the greatest contribution.

The membership of task and finish groups was also mentioned in several interviews. We have heard that task group membership tends to be made up of the same 4-5 councillors. The chair is also usually the chair of the committee itself. They are also usually sought to be politically

balanced. Often in councils, in investigative work of this kind, political proportionality is not required, and members can choose to be involved in issues that interest them. This in turn often means that Members are more committed to seeing the work have impact.

There should be a clear approach and evaluation of what each scrutiny project is hoping to achieve before it begins. This in turn may lead to fewer, more focussed investigative areas of work. Members on the committee need to be more challenging to require their colleagues to give anticipated benefits of carrying out work of this nature. In conversations, many of the officers and members we spoke to were unclear about the contribution of scrutiny to policy development. Follow up of recommendations to look at impact is also essential to develop an understanding of what Scrutiny has achieved.

6.3. Public engagement

Two thirds of respondents to the survey felt that there was room for improvement in the involvement of external witnesses. This was also a theme that was mentioned in interviews. Scrutiny should explore and experiment with ways to allow greater access, openness, and engagement with the public. This could include scrutiny going on more site visits in the community, inviting the public to offer ideas for work plans, and greater use of social media channels for resident input, and communicating the progress and impact of scrutiny work. We heard that this had happened in the past, but less so recently.

We recommend:

- **A more thorough methodology applied to investigative work, including triangulation of evidence and undertaking of primary research.** This begins with the selection of topics for task and finish groups and should also include more forensic lines of enquiry and a broader witness base, including benchmarking with other local authorities. It should also include an evaluation of the value to undertaking the work and looking at alternative approaches to get information.
- **A refreshed approach to the annual report focussing upon impact of scrutiny work.**

Thank you and acknowledgements

We would like to thank the Chairs, Members of the Scrutiny Committees, Cabinet Members and Officers who took part in interviews for their time, insight, and open views.

Yours sincerely

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