



Audit and Governance Committee
26 November 2020

Report of the Governance Review Task Group

Purpose of the report:

The report summarises the work undertaken by, and recommendations of the Governance Review Task Group, which was established by the Audit and Governance Committee to evaluate the effectiveness of the Council's scrutiny function.

Introduction:

1. The Governance Review Task Group was established by the Audit and Governance Committee on 26 September 2019, following Council's approval of a new scrutiny model at its Annual General Meeting (AGM) in May 2019 and a discussion at the Select Committee Chairman's Group, which noted the Audit and Governance Committee's role in facilitating the oversight of the Council's Select Committees.
2. The task group was chaired by David Harmer, and consisted of the following Members: Keith Witham, Stephen Cooksey, Peter Szanto and Edward Hawkins. It met on ten occasions between June and October 2020.
3. To ensure that it gained as detailed a view as possible, it heard evidence from the following Members and officers:
 - a. Tim Oliver, Leader of the Council.
 - b. Mel Few, Cabinet Member for Finance.
 - c. Kay Hammond, Chairman of the Children, Families, Lifelong Learning and Culture Select Committee.
 - d. Nick Harrison, Chairman of the Resources and Performance Select Committee.
 - e. Bernie Muir, Chairman of the Adults and Health Select Committee.
 - f. John O'Reilly, Chairman of the Communities, Environment and Highways Select Committee.
 - g. Chris Botten, Chairman of the Select Committee Chairman's Group.
 - h. Joanna Killian, Chief Executive.

- i. Leigh Whitehouse, Executive Director for Resources.
- j. Simon White, Executive Director for Adult Social Care.

The task group agreed a series of questions, based on the *Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities*, published by the Ministry of Housing, Communities and Local Government in May 2019 and the *Centre for Public Scrutiny's*, (now called *Centre for Governance and Scrutiny*) *Evaluation Framework*, to examine the effectiveness of the Council's scrutiny function.

These questions, relevant discussions and recommendations are detailed in the report.

It was also agreed that members of the task group should attend Select Committee meetings where possible and provide feedback to assist the task group in its deliberations.

Questions and summary of discussions:

4. Is scrutiny operating as a strategic function; making an impact and is it valued by the Council?

- 4.1 The task group heard evidence that scrutiny had become more valued by Members and officers and that it had made a positive impact on decisions and policy development at Surrey County Council.
- 4.2 The task group noted that Select Committee chairmen were pleased that their meetings were attended by the relevant Cabinet Member and Executive Director, as their views were critical in driving effective scrutiny. The task group was also encouraged by the commitment to scrutiny by Members and senior officers and stressed that they should continue to attend Select Committee meetings.
- 4.3 In response to the comments by the Chairman of the Select Committee Chairman's Group that there should be a standing agenda item on scrutiny at each Council meeting, the task group noted that it would be beneficial to allow Select Committee chairmen to update Members on their committee's work at each Council meeting. This would allow Members the opportunity to ask questions; suggest scrutiny topics with the aim to encourage strategic Member direction; and encourage further transparency of Select Committee work.
- 4.4 The task group was pleased to note the following comments by the Chief Executive:
 - (i) When compared to the Centre for Governance and Scrutiny Best Practice Model, the Council's scrutiny function had shown great improvement.

- (ii) There was now coherent forward planning between Select Committees and senior officers.
- (iii) With reference to future work programmes, there was now a higher level of awareness to include scrutiny input in the early stages of important strategic decisions.
- (iv) There were examples where scrutiny had collaborated with the council and communities to develop and add value to policies.

4.5 The task group noted that the value of Select Committee involvement in the Council's governance at an early stage must continuously be promoted. Scrutiny should not be seen as an inconvenience in the momentum of the Council's decision-making, and early inclusion of Member scrutiny in the process would maximise the benefits for residents and the Council as a whole.

4.6 The Leader of the Council was of the opinion that there had been a considerable improvement in scrutiny; the role profile and performance of Select Committees had increased; and the establishment of task and finish groups had improved the effectiveness of Select Committees.

5. Do Members understand their roles and responsibilities within a Select Committee?

5.1 The task group acknowledged the importance of frequent Member training and briefings to aid the understanding of roles and responsibilities within a Select Committee.

5.2 Evidence from Members and officers indicated that members of Select Committees understood their scrutiny responsibilities and the task group was pleased to note that Members treated scrutiny as a valued function of the Council.

5.3 However, the task group noted with concern that Member participation at Select Committee meetings was not always satisfactory. When appointed to a Select Committee, a Member should receive a complete overview of a Select Committee's processes, remit and the time commitments required to encourage more participation.

5.4 The task group noted examples of Members spending longer than necessary on issues that were not necessarily part of the discussion remit and emphasised the important role which strong and focussed chairmanship plays in this regard.

6. Is scrutiny activity happening in a creative and inclusive way?

- 6.1 The task group heard positive evidence from Members on the role of the Select Committee Chairman's Group in that it provided an opportunity to share good practice.
- 6.2 The Chief Executive noted that senior officers felt that scrutiny was now less reactive and more proactive and there had been thoughtful and valuable dialogue when considering key topics.
- 6.3 The Chairman of the Adults and Health Select Committee highlighted the importance of the Select Committee's consideration of a resident's experience when discussing an item. The task group agreed that reports should provide Members with an understanding of how a resident interacts with a service and how a proposed change would change it.
- 6.4 The task group was pleased to note that the Children, Families, Lifelong Learning and Culture Select Committee visited key locations and engaged with front line staff. The benefits of Member direct engagement were supported and it was proposed that practical information gathering visits are embedded into the council's scrutiny practice as a method of understanding how a service is delivered to residents.
- 6.5 Further to this, where appropriate, the Task Group supported Select Committees engaging with different relevant communities to hear a diverse range of experiences via evidence gathering sessions. This would aid Members to understand differing issues arising from, for example, different geographical areas or social groups across the county when considering a scrutiny topic.
- 6.6 The task group were concerned that Members that had an interest in a topic, but were not a part of the Select Committee's membership, were unable to take part in discussions. However, it was later noted that task groups allowed external Members to co-opt into meetings when appropriate and that there were numerous examples of this taking place since May 2019. All Members can submit questions to a Select Committee for a response and suggest topics for inclusion in meeting agenda.

7. Do all Members have the skills and confidence to be great scrutineers?

7.1 The task group heard evidence that whilst Select Committee Chairmen were satisfied that Members understood the remit of Select Committees, further training opportunities should be made available across the scrutiny function. For instance, not all Members were aware that there was a training budget and the task group proposed that an email be circulated to all Members to remind them of the opportunity to request relevant scrutiny training.

7.2 The task group noted with concern that where scrutiny training opportunities had been made available to Members, attendance was lower than expected. It was important that Members attended training when available as the importance of the benefits of improving Members' skills and confidence through training could not be emphasised enough. It was, however, noted that attendance at training sessions and seminars had increased since the implementation of virtual sessions.

7.3 The task group was pleased to note that in certain instances focused training was provided to Members on specific topics, e.g. training to the Resource and Performance Select Committee on the Treasury Management Strategy.

7.4 The comments by the Chairman of the Select Committee Chairman's Group that Members could enhance their scrutiny experience by becoming involved in task and finish groups were supported.

7.5 With reference to the induction for Members when appointed to a Select Committee, the task group noted that Members could sometimes become overwhelmed with the amount of information they received, and proposed that an initial overview induction should be followed by a more focused induction after Members had settled into their roles. This would allow Members to become more familiar with the Council's processes and understand where they may need further training and support. Refresher training should also be provided on a regular basis where appropriate.

8. Is the current scrutiny structure and support appropriate and adequate for the Council and its ambitions?

8.1 The task group was pleased to note that support and resources to the scrutiny function had improved significantly and that there was now six full time equivalent (FTE) officers available for support.

8.2 Whilst the task group expressed concern that the scrutiny structure had changed frequently in the past, it was agreed with the Chief Executive that the current model suited the Council structure at the moment and that changes should not be proposed in the foreseeable future.

8.3 The Chairmen of the Children, Families, Lifelong Learning and Culture Select Committee and the Communities, Environment and Highways Select Committees noted that having two vice-chairmen on a committee who could chair task groups, was a positive step.

8.4 The task group heard evidence that the number of scheduled formal meetings to scrutinise specific topics was often not enough, which led to meetings becoming too long, which in turn had an impact Members focus and attention. The task group therefore supported the Chairman's prerogative of scheduling additional meetings where this format was the most appropriate mechanism to allow for appropriate consideration of topics. This was also supported by the Leader of the Council.

8.5 The Chairman of the Select Committee Chairman's Group stressed that it was important that Select Committees continue to have the resources to support the main committees and task and finish groups.

8.6 The task group believed where possible, all Select Committee members should attend committee pre-meetings. This would allow Members to receive a better understanding of a subject, focus key lines of enquiry and consider recommendations for the main Select Committee meeting.

8.7 Members should be reminded that support relating to Select Committee matters was available from the dedicated scrutiny officers and committee assistants.

Gap analyses

To complement the task group's deliberations and recommendations, and to ensure that the Council's Scrutiny function was fit for purpose, gap analyses were done with the principles and recommendations in the *Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities*, published by the Ministry of Housing, Communities and Local Government and the Centre for Governance and Scrutiny's *Scrutiny Evaluation Framework*. These are attached as **Appendices 1 and 2**.

Recommendations:

1. Senior officers and Cabinet Members should continue to attend and support Select Committee meetings where possible.
2. A standing item on scrutiny should be included on each Council meeting agenda which will allow Chairmen of Select Committees to provide an update on their scrutiny work.
3. When appointed to a Select Committee, a Member should receive a complete overview of a Select Committee's processes and remit as well as the time commitments required from Members. Further to this, Members should be provided with a more detailed induction after settling into their roles. Refresher training should also be provided on a regular basis.
4. Reports to the Select Committee, alongside Members' own research and evidence gathering, should provide Members with an understanding of our residents' experience of a service and how, for example, a proposed change would affect them.
5. The benefits of Member direct engagement were supported and it was proposed that practical information gathering visits are embedded into the council's scrutiny practice as a method of understanding how a service is delivered to residents.
6. The current Select Committee structure should remain in place and not be changed at the Annual Council meeting in May 2021.
7. Select Committee Members should continue to prioritise attendance of Select Committee pre-meetings.
8. Members of Select Committees should be reminded of the dedicated support available from the allocated Scrutiny Officers and Democratic Services Assistants.
9. In the event that unplanned scrutiny by Members is required, discussions should be held to decide the best way to scrutinise a topic outside of the normal Select Committee meeting schedule.
10. Where appropriate, task and finish groups should continue to be appointed to consider and report on scrutiny matters.

11. The principles and recommendations within appendices 1 and 2 identified as areas for improvement should be added to a scrutiny improvement plan for 2021/22.

Reasons for recommendations:

These recommendations will build on and help further embed the improvements realised during 2019/20 and ensure the continuing contribution of Select Committees to Council decision making.

Next steps:

The Chairman of the Audit and Governance Committee to present the report and recommendations of the Governance Task Group to the Full Council meeting on 8 December 2020.

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Desktop Gap Analysis based on Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities, published by the Ministry of Housing, Communities and Local Government in May 2019

Statutory Guidance	Current SCC Position	Add to Improvement Plan?
1. Does scrutiny have a clear role, function and focus?	Yes. Clear role set in the council's constitution.	x
2. Are there steps to ensure early and regular engagement between the Executive and scrutiny?	Yes. Each Select Committee Chairman has regular, informal liaison meetings. Each Cabinet Member attends Select Committee meetings. The Leader comes to the Chairmen and Vice-Chairmen's Group as necessary as well	x
3. Is disagreement between scrutiny and the Executive effectively managed? Is there an Executive/Scrutiny protocol?	Disagreement rare. No protocol. Call-in used appropriately.	✓
4. Does scrutiny have the necessary support, specifically designated scrutiny officers?	Yes. The scrutiny function is supported by a 6 FTE team. Further support comes from senior officers within the council and, where appropriate, external training.	x
5. Are there steps in place to ensure impartial advice from officers?	Yes. Member/Officer Protocol in the council's constitution.	x

6. Is the role of scrutiny communicated to the wider authority and the public?	Not actively. Area for improvement.	✓
7. Does Full Council play a role in scrutiny?	Not routinely. Area for improvement.	✓
8. Are members offered induction training when they are appointed? Is this followed up with relevant ongoing training?	Yes. Training provided internally and externally. Planning underway for post-election induction in 2021.	✓
9. Are external providers used for member training?	Yes. CfPS and SEE have provided training in a number of areas.	×
10. Do scrutiny committees use outside expertise, specifically technical expertise?	Developing a broader approach to evidence gathering. Use of technical expertise not typical.	✓
11. Do scrutiny committees have access to all relevant information held by the Council?	Yes.	×
12. Do scrutiny committees have forward work plans?	Yes.	×
13. Do scrutiny committees ensure that they look at the right topics, in the right way, at the right time and that they engage with the right people?	Selection criteria exists to prioritise. Chairmen supported by Scrutiny Officer to identify and prioritise scrutiny topics. Ideas tested with the Select Committee and key stakeholders and	✓
14. Are task and finish groups and standing panels used by scrutiny committees?	Yes.	×

15. Do scrutiny committees use evidence sessions to complement their work?	Infrequently. This could be done more routinely.	✓
16. Are recommendations from scrutiny committees evidence-based and SMART?	Select Committees aim to use the SMART method but this is not always the case.	✓

Desktop Gap Analysis based on the *Scrutiny Evaluation Framework* of the Centre for Public Scrutiny (now called the Centre for Scrutiny and Governance)

CfPS Principle	Current SCC position	Add to Scrutiny Improvement Plan?
1. Do Members lead and own the overview and scrutiny work programme?	Yes. With considered input from key stakeholders and advice from officers.	×
2. Are overview and scrutiny work programmes flexible to account for unexpected emergencies?	Yes. Encourage a focus on a few key topics for each agenda so that there is flexibility to add urgent items. Also able to use multiple methods to conduct scrutiny.	×
3. Are work programmes focused on adding value, outcomes and prioritisation?	Variable.	✓
4. Does overview & scrutiny have a clearly defined and valued role in the Council's improvement and governance arrangements? 1.	Yes. Clear role set in the council's constitution. Examples of contribution to key improvement programmes (Children's Services, Fire & Rescue Service)	×
5. Does overview and scrutiny have the dedicated officer support it needs from officers who are able to undertake independent research effectively, and provide councillors with high-quality analysis, advice and training. 2.	Yes. The scrutiny function is supported by a 6 FTE team. Further support comes from senior officers within the council and, where appropriate, external training.	×
6. Are overview and scrutiny inquiries non-political, methodologically sound and do they incorporate a wide range of evidence and perspectives?	Yes. Expanded use of task & finish methodology has made reviews more robust with greater evidence base behind conclusions and recommendations.	×

7. Does overview and scrutiny provide viable and well evidenced solutions to recognised problems?	Increasingly. This is an area that must continue to develop.	✓
8. Do overview and scrutiny councillors have the training and development opportunities they need to undertake their role effectively?	Internal and external training is offered. Feedback has shown that this offer needs to be clearly communicated.	✓
9. Does the scrutiny process receive effective support from the Council's corporate management team who ensures that information provided to overview and scrutiny is of a high quality and is provided in a timely and consistent manner?	Yes.	×
10. Do decision-makers give public account for themselves at overview and scrutiny committees for their portfolio responsibilities?	Yes. Cabinet Members are present at each Select Committee meeting and provide frequent updates on key areas of work.	×
11. Does overview and scrutiny enable the "voice" of local people and communities across the area to be heard as part of decision and policy-making processes?	Via task & finish or longer term pieces of work and through the engagement of co-optees or external witnesses, yes. Mechanisms to ask questions and submit petitions exist as well. This could be an area that is prioritised for development.	✓
12. How are scrutiny councillors involved in influencing major decisions, and in considering and evaluating performance, finance and risk information? Good practice: Evidence of decisions being altered consensually as a result of scrutiny's involvement.	The convention is for pre-decision scrutiny at the council which allows for Select Committee engagement in key decisions.	×
13. Do different people with a role in holding decision-makers to account (like scrutiny, the Police and Crime Panel, a combined authority scrutiny committee,	There have been examples of collaboration between different bodies on cross-cutting issues.	✓

local Healthwatch) work together?	This should continue to develop.	
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