PERTH AND KINROSS COUNCIL

SCRUTINY COMMITTEE – 11 JUNE 2014

GUIDE TO SCRUTINY AT PERTH AND KINROSS COUNCIL 2014

REPORT BY DEPUTE DIRECTOR (THE ENVIRONMENT SERVICE)

ABSTRACT
This paper presents the Guide to Scrutiny at Perth and Kinross Council revised for 2014.

1   BACKGROUND/ MAIN ISSUES

1.1   The Scrutiny Committee developed the first Guide to Scrutiny at Perth and Kinross Council in 2010. The Guide was the culmination of the experience gained by members in undertaking its first Review of the implementation of Grounds Maintenance Policy which was published in September 2009.

1.2   Since the first guide was developed, the Scrutiny Committee has undertaken a further three Scrutiny Reviews and has a deeper understanding of the process and scrutiny role involved. Training and guidance to elected members of the Scrutiny Committee has also ensured clarity of their role and remit to enable the Committee to effectively examine policy setting and service performance.

1.3   The experience to date has enabled the Scrutiny Committee to revise the Scrutiny Guide for 2014. Where relevant, the Committee has updated and refined the content of the guide, providing further clarity where needed. The Committee also agreed to merge the three separate documents included in the first guide into one document with three sections. The Guide is an organic document which will continue to be reviewed on an ongoing basis to ensure it remains relevant and useful, reflecting the experiences of the Scrutiny Committee in undertaking its work. See Appendix 1 for the Guide to Scrutiny 2014.

2   GUIDE TO SCRUTINY AT PERTH AND KINROSS COUNCIL 2014

2.1   The Guide aims to provide a summary of how scrutiny works at Perth and Kinross Council. It has been developed using best practice examples from the Centre for Public Scrutiny, Shropshire County Council and Rochford District Council.   The guide has three sections: An overview of Scrutiny at PKC; The work of the Scrutiny Committee; and Supporting the delivery of good scrutiny.

2.2   The Guide is aimed at Councillors and Council Officers to provide a quick reference to how scrutiny works at Perth and Kinross Council.

3   CONCLUSION AND RECOMMENDATIONS

3.1   The Guide to Scrutiny at Perth and Kinross Council 2014 has been revised to reflect the experience gained by the Scrutiny Committee since producing the first guide in 2010. The Guide is meant as a fluid document that will continue to be enhanced and refined by the Scrutiny Committee to ensure it remains relevant and useful.

3.2   It is recommended that the Scrutiny Committee:

I)   Approves the Guide to Scrutiny at Perth and Kinross Council 2014.

Author Name	Designation	Contact Details
Michelle Cochlan	Partnership and Improvement Manager	Ext 75071 mcochlan@pkc.gov.uk

Date of Report: 8 May 2014

Appendix 1:   Guide to Scrutiny at Perth and Kinross Council 2014

ANNEX

1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

Strategic Implications	
Community Plan/ Single Outcome Agreement	**Yes**
Corporate Plan	**Yes**
Resource Implications	
Financial	**None**
Workforce	**None**
Asset Management (land, property, IST)	**None**
Assessments	
Equality Impact Assessment	**None**
Strategic Environmental Assessment	**None**
Sustainability (community, economic, environmental)	**None**
Legal and Governance	**None**
Risk	**None**
Consultation	
Internal	**Yes**
External	**None**
Communication	
Communications Plan	**None**

1.1 Strategic implications
This report supports the delivery of the Strategic Objectives within Community Plan/ Single Outcome Agreement 2013-23 and Corporate Plan 2013-18.

1.2 Consultation
The Scrutiny Committee, Chief Accountant and Democratic Services Manager were consulted in the preparation of this report.

2. BACKGROUND PAPERS

The background paper referred to within the report is:

Guide to Scrutiny at Perth and Kinross Council 2010 (Report Ref 10/67)

3. APPENDICES

Appendix 1   Guide to Scrutiny at Perth and Kinross Council 2014

Scrutiny at Perth and Kinross Council

PERTH & KINROSS COUNCIL

DRAFT 8 MAY 2014

SCRUTINY

GUIDE

2014

Contents

Introduction

WELCOME TO PERTH AND KINROSS COUNCIL'S GUIDE TO SCRUTINY

This document is a guide for Councillors and officers to how scrutiny works at Perth and Kinross Council (PKC). The guide covers in detail the work of the Council's Scrutiny Committee and how this fits within the Council's wider scrutiny framework. The guide includes details of the Committee's scrutiny review process which is an important part of the work of the Committee. There is also a section on the tools and techniques which can be adopted by all Councillors and officers to support effective scrutiny.

The guide is divided into three parts:

Part 1 An overview of Scrutiny at PKC
Part 2 The work of the Scrutiny Committee
Part 3 Supporting the delivery of good scrutiny

On behalf of the Scrutiny Committee, I commend this guide to you.

Alexander Stewart
Convener
Scrutiny Committee

April 2014

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Part 1: An overview of scrutiny at PKC

1.1 PERTH AND KINROSS COUNCIL'S SCRUTINY COMMITTEE

Where does the Scrutiny Committee fit in the political structure of the Council?

The Council and its standing committees are responsible for the scrutiny of Council services and activities. There are five themed Committees based on the strategic objectives of the Perth and Kinross Community Plan/ SOA and Perth and Kinross Council Corporate Plan. The Council and the Strategic Policy & Resources Committee both deal with strategic and corporate issues that impact across the whole Council. The Scrutiny Committee supports all of the Committees in examining performance.
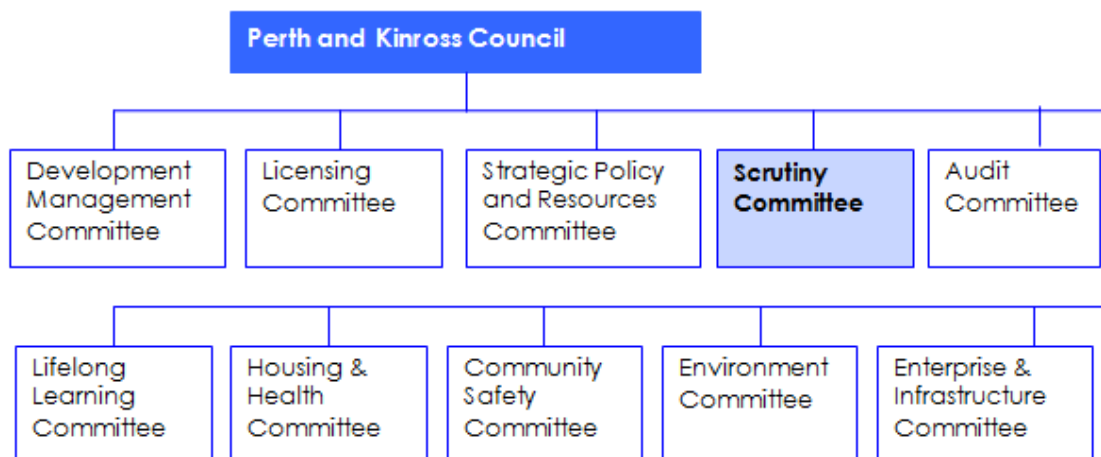
How does the Scrutiny Committee fit within the Council's overall framework of scrutiny?

There are a number of mechanisms in place to check that the Council is managing its services and resources well. Regular scrutiny by external regulation, audit and inspection organisations is an essential mechanism in the overall system of governance and accountability of the Council. However the primary responsibility for improving Council services remains with Councils themselves. From 2010 the external regulation, audit and inspection organisations have introduced a new way of working with Councils that further increases the responsibility of Councils to deliver internal improvement.

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The level of external audit and inspection that the Council will receive depends on a Shared Risk Assessment made jointly by the external organisations and the Council's external auditors. The Shared Risk Assessment is an assessment of the Council's effectiveness in the delivery of outcomes and management of key processes. The Scrutiny Committee is a key element of the Council's internal regulation of these areas alongside other standing Committees and the Council.

The external regulation, audit and inspection organisations are Audit Scotland; Education Scotland; Care Inspectorate; Scottish Housing Regulator; and HM Inspectorate of Constabulary.

Membership of the Scrutiny Committee

Councillor A Stewart (Convener)
Councillor B Vaughan (Vice - Convener)
Councillor R Brock
Councillor D Cuthbert
Councillor D Doogan
Councillor A Munro
Councillor A Younger

1.2 THE FOUR PRINCIPLES OF GOOD SCRUTINY

A review of best practice has identified that there are four principles of effective public scrutiny. These principles guide our work and run throughout the scrutiny process at Perth and Kinross Council. These principles are:

1   To provide 'critical friend' challenge to Council services as well as external authorities and agencies

2   To reflect the voice and concerns of the public and its communities

3   To lead and own the scrutiny process on behalf of the public

4   To make an impact on the delivery and improvement of public services

1.3 ROLES AND RESPONSIBILITIES

Who is responsible for scrutinising performance?

Knowing and understanding the specific roles and responsibilities of those involved in scrutiny is key to ensuring that scrutiny is effective at Perth and Kinross Council.

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Before a performance report goes to the Scrutiny Committee, the report will have already gone through several stages of review and approval:

- Service Management Teams – Service specific scrutiny
- Executive Officer Team – Corporate scrutiny role
- Service Committees – Service specific scrutiny
- Scrutiny, Audit and Strategic Policy and Resources Committees – Corporate Scrutiny Role

At each stage the performance information contained within the report should have been rigorously scrutinised before approval was given to submit the report to the next level of scrutiny.

Themed Committees and the Scrutiny Committee have a responsibility to lead and own the scrutiny process to make an impact on Service delivery.

Members of the Scrutiny Committee

- Participate constructively in the activities of the Scrutiny Committee under the guidance of the Convener
- Hold councillors and officers to account in respect of their implementation of Council policy
- Investigate the quality and performance of services provided by the Council
- Participate in reviews of Council policies through the scrutiny process to support the achievement of value for money
- Actively participate in any task agreed by the Scrutiny Committee
- Scrutinise the performance of organisations providing arts and culture/ sports and leisure services on behalf of Perth and Kinross Council

Convener of the Scrutiny Committee

- Provides leadership and direction for the Scrutiny Committee
- Supports, encourages and engages with all members of the Committee
- Works with the Vice Convener to manage the Scrutiny Committee work programme including prioritising proposed topics
- Co-ordinates work with other members of the Scrutiny Committee
- Develops a constructive 'critical friend' relationship with other Committees

Members of the public

- Members of the public, including service users, can be invited to assist members in their work by giving evidence and taking part in the discussion and consideration of topics

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Council officers

- Officers from any Council Service may be called on to provide expert input in their professional capacity
- Officers should make themselves available as required to attend meetings to answer questions and provide explanations to Scrutiny Committee members
- Officers support the Scrutiny Committee by providing advice and guidance during meetings and assisting the Committee to undertake its work programme

External agencies/ Community Planning Partners

- Representatives of external agencies or Partnership organisations can be invited to assist members in their work by giving evidence.

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Part 2: The work of the Scrutiny Committee

2.1 THE SCOPE OF THE SCRUTINY COMMITTEE

What does it do?

The Scrutiny Committee has a wide range of responsibilities.

- It reviews the performance of Services and the Council
- It can consider the effectiveness of any Council policy and review its implementation
- It conducts a self determined programme of reviews of service delivery or policy
- It may make recommendations to Council on policy development or implementation as part of a Scrutiny Review
- It reviews and oversees the Council's complaints procedures

What does it not do?

The Committee does not approve policy and does not take decisions about the operation of Council Services.

2.2 THE WORK OF THE SCRUTINY COMMITTEE

The Scrutiny Committee has the following powers:

- Holding decision makers to account
- Challenging and improving performance
- Supporting the achievement of value for money
- Challenging the way things are done
- Influencing decision makers with evidence based recommendations
- Establishing evidence and the views of stakeholders, users and citizens

Scrutiny is member led with members directing the review of topics, researching issues and developing recommendations. Members are also involved in setting the work programme for the Scrutiny Committee, bringing forward topics and issues, identifying who they want to hear from to inform their work, what they want to know and how they want it presented to them.

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Scrutiny Committee Reviews

The following are different types of Scrutiny Review which may be undertaken by the Scrutiny Committee to ensure services improve and value for money is achieved at Perth and Kinross Council.

> **Policy Review –** topic identified for review because of changes to legislation/government guidance or a policy is viewed as being ineffective. This is undertaken in line with corporate priorities so as to add value to the work of the Council.

> **Performance Review –** topic identified for review by the Scrutiny Committee following consideration of Council or Service Performance Report. In addition topics can also be brought forward by members because services are viewed as underperforming in a specific area.

> **Value for Money Review –** looks at improving performance, reducing costs, improving customer satisfaction and achievement of corporate priorities and outcomes. Value for money reviews will be key reviews in the Scrutiny Committee work programme.

2.3 SELECTING AN AREA FOR REVIEW

Choice of topic for review

Subjects for review can come from a number of sources. On an annual basis the Scrutiny Committee will contact all Councillors and the Executive Officer Team to ask if there are any matters which they would wish to have considered for review by the Scrutiny Committee. In thinking about possible topics to suggest they may consider:

- Audit reports
- Performance management reports
- Information gathered via surveys and feedback mechanisms
- Issues raised by representative groups e.g. community councils, resident groups and community groups
- Issues raised by partner organisations
- Complaints
- Issues raised directly by the public

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A decision to undertake a review must be based on the potential for improvement in both the short and long term. Reviews take up valuable resources so the Scrutiny Committee must have confidence from the outset that the review will result in recommendations for change that will deliver measurable improvements in quality and/or efficiency that outweigh the cost of the review.

In suggesting a potential topic for review, the proposer is asked to explain why they are putting the topic forward and identify some key questions which they would like the review to consider. The Scrutiny Committee will then meet to consider all the suggestions put forward and use a scoring system to help prioritise topics for review in the coming year.

Scoring process

There are a number of key questions that can be used to assess the level of importance of topics for Scrutiny Committee work programmes. The template below can be used to help; the highest score indicates the option most closely meeting the criteria:

Assessment Criteria	Score 1-5
Evidence of poor performance	
High level of user/general public dissatisfaction with the service	
Pattern of budgetary overspends/underspends	
High level of risk identified and not addressed	
Concern raised by more than three sources	
Likely to have significant negative impact on Council objectives	
Lack of progress in delivering identified improvements	
Evidence of systems failure	

Topics which score highly on these criteria are those chosen for further investigation. In this process there is an element of judgement applied by the members of the Committee. The proposed topics will then be formally agreed at Committee.

For some of the proposed topics, a written report may be requested initially from the relevant service, as opposed to a full investigation. However, on some occasions, topics dealt with in this way may still be subsequently considered for full investigation.
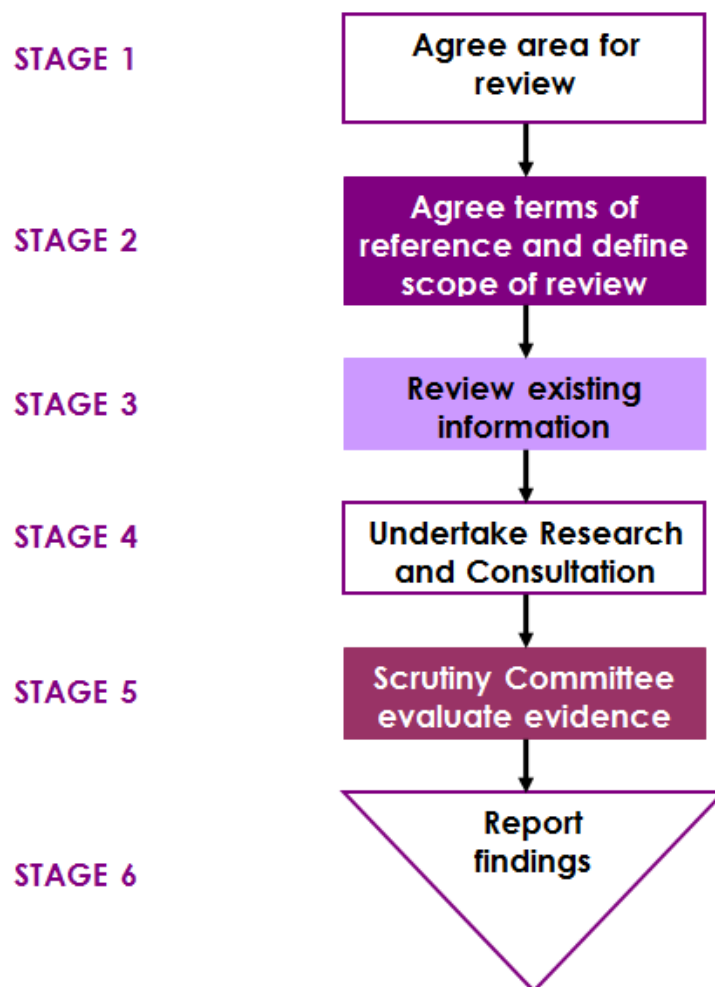
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Topics proposed for the investigation should be rejected if:

- The issue is being examined by an officer group, with changes imminent
- The issue is being examined by another internal or external body
- The issue will be addressed as part of a Best Value Review within the next year
- New legislation or guidance is expected within the next year
- A review by the Scrutiny Committee is not likely to contribute to improvements in the Service

2.4 THE SCRUTINY REVIEW PROCESS

The following stages are fundamental to the success of any review carried out by the Scrutiny Committee.

STAGE 1 — Agree area for review

STAGE 2 — Agree terms of reference and define scope of review

STAGE 3 — Review existing information

STAGE 4 — Undertake Research and Consultation

STAGE 5 — Scrutiny Committee evaluate evidence

STAGE 6 — Report findings

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STAGE 1 - Agree area for review

The scrutiny review process begins with agreeing which area will be reviewed. See previous section.

STAGE 2 - Agree terms of reference and define scope of review

The terms of reference sets out the aim and objectives of the review and how the review will be taken forward. The terms of reference includes the following:

- Scope - What will be looked at? What will not?
- Objectives/ outcomes
- Timescales
- Who will be involved?
- Resources required
- Methods that will be used

STAGE 3 - Review existing information

The next stage is to establish what is already known and available about the area being reviewed. This involves asking the following questions:

- What do we know already?
- What gaps are there?

STAGE 4 - Undertake research and consultation

Choosing the right approach to gathering evidence is important to help ensure that information is collected on the right topics, from the right sources and those people who will add value to the scrutiny work are given the opportunity to do so. Some research methods include:

- Site visits – other Councils, organisations
- Survey – by post, phone, website
- Focus groups
- Workshops
- Mystery shopper
- Desktop research

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STAGE 5 - Scrutiny Committee evaluate evidence

The outcome of the research and consultation stages of the review should be a clear statement about the current state of service delivery and options for improvement. This is achieved through:

- Examining evidence gathered
- Identifying issues arising from other related research
- Identification of key messages
- Option identification and analysis

STAGE 6 - Report findings

At the conclusion of the review, the findings must be reported in a Final Report to the Scrutiny Committee.

This report should clearly identify the findings of the review and any recommendations for improvement that have been agreed by the Scrutiny Committee.

The Final Report from the review should also be submitted to the relevant themed Committee for consideration of the findings and to allow the Committee to respond to the recommendations for improvement.

2.5   PROCEDURE FOLLOWING THE REVIEW

The findings and recommendations of a Scrutiny Review will be referred to a themed Committee or Council where the review is of a cross-cutting nature, for consideration of appropriate actions by the relevant Service(s).

A progress report will be provided to the Scrutiny Committee by a date agreed by both the themed Committee/ Council and Scrutiny Committee. Reasons are required for recommendations that it is felt cannot be implemented.

If considered necessary, the Scrutiny Committee may also request further progress reports on any ongoing improvement actions at an interval agreed with the relevant Committee/ Council or Service.

Part 3: Supporting the delivery of good scrutiny

3.1 TOOLS AND TECHNIQUES

Delivering helpful scrutiny that contributes to service and policy improvement is a key function of the Council. It contributes to the provision of efficient and effective public services that deliver better outcomes for service users and communities.

Carrying out effective scrutiny requires a number of skills. In particular, there is a need for members of the Scrutiny Committee to undertake useful questioning when undertaking any of the responsibilities delegated by the Council. There is also a need to understand and, where appropriate, challenge the performance data that is presented to the Committee.

This section of the Guide to Scrutiny provides some of the tools and techniques that can be useful in delivering good scrutiny across the range of scrutiny functions of the Council.

3.2 QUESTIONING AND LISTENING TECHNIQUES

Why are questions important?

Detail from officers/ consultees is often the most valuable source of information. The right questions are the most effective way to get the information you want in a way that you understand. Questioning is not about winning the debate but seeking the truth. A good question will:

- Establish validity of key data
- Seek clarification
- Seek further evidence
- Explore ideas
- Question assumptions
- Challenge facts or opinion

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Open questions

Open questions allow the respondent to inform the scrutineer about a situation in their own words. This gives the scrutineer an opportunity to listen, process the response and take note of any gaps or concerns that could be crucial to the review.

For example:

Scrutineer: 'What are your thoughts regarding the provision of youth facilities?'

Probing questions

One of the most important questioning techniques for those undertaking scrutiny is the probing method. Probing questions are used to obtain further information from a respondent. For example:

Respondent: Our performance is the best in Scotland.
Scrutineer: 'You said that our performance is the best in Scotland. How do you know? How is that measured?'

Follow up questions

Follow up questions are needed if there are inconsistencies, questions not answered, answers not clear or insufficient detail. Scrutineers need to be persistent and pursue the answers they are looking for. For example:

Respondent: We benchmark with the other 31 Scottish Councils on a set of performance indicators and Audit Scotland has ranked us the best in Scotland.
Scrutineer: How have you achieved this?
Respondent: Our success is due to the staff involved.
Scrutineer: What exactly does this mean?

Closed questions

Closed questions are answered yes or no and are used to verify the situation.

Scrutineer: So you are saying that staff training has led to the improvement in performance?
Respondent: Yes

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Good practice in questioning

There is a difference between holding to account and helping to improve. A scrutineer will focus on points of interest and ask more about any gaps in the information. Body language and tone also make a difference. Identify the questions in advance to:

- Ensure that you know what information you want
- Address issues that members and the public are really concerned about
- Ensure the correct person is there to deal with the questions
- Focus on helping to improve as well as holding to account
- Question like a critical friend – not a barrister
- Seek advice if required

Bad practice in questioning

It is possible to ask questions that have an adverse effect on how the respondent will answer:

- Leading questions – force the respondent to answer in a certain way
- Multiple questions – confuse the respondent
- Hypothetical questions – if so unlikely to happen, why ask?
- Unfocused, broad questions – difficult to answer
- Discriminatory or offensive questions

Active listening

We listen to obtain information, understand and learn. Research suggests that we remember between 25-50% of what we hear. In a ten minute conversation, most people will only hear 2.5 to 5 minutes of the conversation. Therefore:

- Focus on any introductory remarks
- Show that you are listening
- Provide feedback and check your understanding of points
- Avoid making a judgement too quickly
- Respond appropriately

3.3 MAKING SENSE OF PERFORMANCE DATA

Typical features of a performance report

A typical performance report at Perth and Kinross Council contains some common features:

- Area of performance being measured – e.g. education, economy, environment

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- Number of performance indicators – the number used will depend on the area and the level of plan being reported
- Target for each performance indicator – targets may be set by the Service, Partnership, nationally
- Trend information over a defined period – the Council tends to look at performance over a three year period
- Overall result for each performance indicator – often we use arrows to illustrate this

What do the statistics tell us?

- Are we improving? Look at the trend information, what's happened over the last three years?
- Are we on track to reach our targets? Are the targets that have been set reasonable? Have we achieved what we set out to achieve? Performance trend and achievement of target are separate issues.
- Do we understand why we are performing at the current level and what is being done to improve? Is there an adequate explanation?

Challenging service analysis

Members of the Scrutiny Committee will not necessarily be experts in all areas. But there will be occasions when it is reasonable to ask questions about what Services have said. For example:

Performance Area	Relevant Indicator	Target 2013/14	Performance Data and Trend		Comments	Target 2014/15
Child protection	% of reports submitted to children's reporter within national timescale	90%	2011/12 – 40% 2012/13 – 41% 2013/14 – 41%	⬆	We will continue to improve.	90%

- Do we agree that performance is improving? Over the last three years we have improved by only 1%. Is this a significant improvement?

- We have failed to reach our target for 2013/14. Was this ever achievable? Why is it set so high? Past performance suggests that 90% is not a realistic target. Why have we set it again for 2014/15?

- Is the comment adequate to explain why we are achieving current levels of performance? Do we know what real action is being taken to improve our performance in this area?

- Is this indicator alone enough to tell us how we are performing in the area of child protection. What else do we need to know?

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3.4 FURTHER INFORMATION

Useful web links

The Centre for Public Scrutiny http://www.cfps.org.uk
The Improvement Service http://www.improvementservice.org.uk
Scottish Government http://www.scotland.gov.uk
Audit Scotland http://www.audit-scotland.gov.uk/scrutiny
Local Government Association (Formerly IDea) http://www.local.gov.uk/

Contact details

If you need any further information or advice please contact Michelle Cochlan, Partnership and Improvement Manager on 01738 475071, mcochlan@pkc.gov.uk.

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