



Review of the Effectiveness of Scrutiny

Gwynedd Council

Audit year: 2015-16

Issued: November 2015

Document reference: 493A2015

Status of report

This document has been prepared as part of work performed in accordance with statutory functions.

In the event of receiving a request for information to which this document may be relevant, attention is drawn to the Code of Practice issued under section 45 of the Freedom of Information Act 2000. The section 45 Code sets out the practice in the handling of requests that is expected of public authorities, including consultation with relevant third parties. In relation to this document, the Auditor General for Wales and the Wales Audit Office are relevant third parties. Any enquiries regarding disclosure or re-use of this document should be sent to the Wales Audit Office at info.officer@audit.wales.

The team who delivered the work comprised Fflur Jones and Nigel Griffiths.

Contents

Summary report

Summary	4
Proposals for improvement	5
Although the Council has recently implemented some improvements to the scrutiny process, it remains ineffective in a number of key areas and does not fully meet the three improvement objectives in the Scrutiny Strategy	6
There is a lack of a shared understanding and recognition of the purpose, value and responsibilities of scrutiny	7
There are a number of weaknesses in scrutiny arrangements and gaps in the skills of committee members	8
There is insufficient awareness of the impact of scrutiny which risks undermining its intended purpose of contributing to improvements in the services the Council provides for the people of Gwynedd	12

Summary report

1. Scrutiny has a pivotal role in promoting improvement, efficiency and collaboration across public services and holding those responsible for delivering services to account. The role of scrutiny is increasingly important at this time when public services are responding to the challenge of financial constraints, while continuously seeking to improve in response to rising public expectations. The Local Government (Wales) Measure 2011 introduced a number of changes to the way scrutiny previously operated in local government, including the new requirement to take into account the views of the public on service provision and delivery.
2. Between 2013 and 2014, the Wales Audit Office undertook a national improvement study into the effectiveness of scrutiny arrangements across local government in Wales entitled **Good Scrutiny? Good Question!** The study identified a number of significant benefits of effective scrutiny at local government level including:
 - improving the evidence base for decisions including those on the allocation of resources;
 - ensuring that decisions are transparent and in accordance with the needs of the local community;
 - contributing to developing policy;
 - undertaking specific reviews; and
 - monitoring performance.
3. The study also concluded that 'local government scrutiny in Wales is improving but councils need to do more to develop consistently rigorous scrutiny to increase public accountability in decision-making'.
4. There are three scrutiny committees at Gwynedd Council (the Council): Corporate, Communities and Services. The committees operate under the Council's Scrutiny Strategy, 'Scrutiny for Improvement 2014-2017'. The strategy identifies three improvement objectives for the scrutiny committees to deliver: 'better services', 'better decisions' and 'better engagement'.
5. Our review sought to answer the question: Are the scrutiny processes at Gwynedd Council effective and robust, and do they meet the three improvement objectives in the Scrutiny Strategy? Our work included observing committee meetings; pre-meetings and forward work programme workshops; interviews with senior officers and members; and a review of documents provided by the Council. We concluded that: **Although the Council has recently implemented some improvements to the scrutiny process, it remains ineffective in a number of key areas and does not fully meet the three improvement objectives in the Scrutiny Strategy.**

-
6. We came to this conclusion because:
- there is a lack of a shared understanding and recognition of the purpose, value and responsibilities of scrutiny;
 - there are a number of weaknesses in scrutiny arrangements and gaps in the skills of committee members; and
 - there is insufficient awareness of the impact of scrutiny which risks undermining its intended purpose of contributing to improvements in the services the Council provides for the people of Gwynedd.
7. Our proposals for improvement are set out below. The Council should prepare an action plan to show how, by whom and by when our improvement proposals will be implemented.

Proposals for improvement

P1	Enable more pre-decision scrutiny by aligning meetings of the scrutiny committees more closely with those of the Cabinet.
P2	Develop a more detailed Cabinet work programme and ensure its availability to the pre-meetings of the scrutiny committees.
P3	Apply the scrutiny committees' forward work programmes' selection criteria consistently.
P4	Develop resource plans to identify the officer and member input required to support/undertake the programmes of scrutiny and scrutiny investigation work.
P5	Improve the quality, consistency and timeliness of reports/information provided to the scrutiny committees.
P6	Provide feedback to the scrutiny committees of all recommendations – whether implemented or not – made to the Cabinet.
P7	Include an assessment in the Overview and Scrutiny Annual Report of how the work of the scrutiny committees has met the objectives in the Scrutiny Strategy and supported improvements to Council services.
P8	Ensure all regulators' recommendations and/or proposals for improvement are reported to, and monitored by, the appropriate scrutiny committee.
P9	Implement a new training and development programme for scrutiny committee members.

Although the Council has recently implemented some improvements to the scrutiny process, it remains ineffective in a number of key areas and does not fully meet the three improvement objectives in the Scrutiny Strategy

8. The Council's scrutiny committees have the following responsibilities:
 - Services Scrutiny Committee – scrutinises areas including education and social care that together account for over 80 per cent of the Council's expenditure;
 - Communities Scrutiny Committee – scrutinises areas that have an impact on the well-being of communities across Gwynedd including economy and regeneration, housing and waste; and
 - Corporate Scrutiny Committee – scrutinises areas such as the Council's Strategic Plan, the work of partnerships and engagement with the public.
9. Each scrutiny committee comprises 18 members and holds five full meetings a year. The meetings usually last between two and three hours. Pre-scrutiny meetings are scheduled to be held four to five weeks before formal committee meetings. Annual forward work programme workshops are also held to agree the issues for scrutiny and to identify topics for in-depth investigations by working groups.
10. The Council's Scrutiny Strategy specifies three improvement objectives:
 - better services – democratic accountability that drives improvement in public services;
 - better decisions – democratic decision-making process that is accountable, inclusive and robust; and
 - better engagement – the public is engaged in democratic debate about the current and future delivery of public services.
11. The overall purpose of the three objectives is to support the Council's vision of 'A Council that is recognised for holding itself and others to account, reducing its dependence on, and intervention by, regulators'. The Council's scrutiny process must be fully effective in all areas of its operation if the objectives are to be successfully achieved. This is not currently the case.

There is a lack of a shared understanding and recognition of the purpose, value and responsibilities of scrutiny

12. There is widespread confusion and scepticism amongst officers and members regarding both the role and value of scrutiny within the Council – much of which is founded in the changes to the number and responsibilities of scrutiny committees introduced in 2012. Although the changes were well planned and implemented, they have not, overall, generated the expected improvements to the scrutiny process.
13. The resultant lack of confidence has created barriers to the effectiveness of some key areas of scrutiny and, therefore, the capability of scrutiny to support improvement in the Council's decision-making and the quality of its services. Members of the scrutiny committees we spoke to feel that the efforts to re-define and clarify the roles of Cabinet and scrutiny following the 2012 changes have resulted in the work of scrutiny being 'side-lined' and isolated from many important areas including policy development and the challenge and monitoring of service performance.
14. Members also feel there is too little regular contact with Cabinet members and senior managers. Chairs and vice-chairs of the scrutiny committees currently meet the Cabinet every six months. Scrutiny officers have recently taken steps to encourage Cabinet members to have an increased role in identifying items for scrutiny forward work programmes. Members we spoke to do not believe this is sufficient to ensure that they can independently identify and challenge issues as and when they arise.
15. Attempts have also been made to improve the frequency of contacts between senior officers, Cabinet members and scrutiny. Informal meetings are now held between the Cabinet member for Social Services, the Chair and Vice-Chair of the Services Scrutiny Committee and the Corporate Director to discuss upcoming issues in the department. Despite the potential, these meetings have to facilitate more proactive scrutiny; they are not held regularly and are often cancelled at short notice.
16. Members of the Senior Management Team are also extremely sceptical about the current role and value of scrutiny. Some cited examples of members being overly hostile when scrutinising and questioning and, therefore, being counter-productive to the shared goal of seeking improvement across the Council.
17. The lack of confidence in scrutiny amongst officers and members, and the lack of effective co-ordination between scrutiny and decision-makers, restrict the role of scrutiny as a critical friend that can support the identification and promotion of improvements at the Council.

There are a number of weaknesses in scrutiny arrangements and gaps in the skills of committee members

- 18.** As part of the review, we attended a number of forward work programme workshops, pre-meetings and formal scrutiny committee meetings and examined scrutiny investigation documents and other relevant material.

Scrutiny committees use sound criteria for choosing and prioritising items for their forward work programmes, but it is not applied consistently and there is a lack of consideration of available resources

- 19.** Scrutiny forward work programmes include items from a number of different sources including the Council's Strategic Plan, previous investigations and annual monitoring of key areas. The 2015-16 scrutiny forward work programmes also contain a number of items of pre-decision scrutiny referred by Cabinet members.
- 20.** Once all items are sourced and collated, scrutiny committees determine their forward work programmes using a four-question set of criteria based around:
- whether the item affects the majority of the people of Gwynedd, or those that are the most vulnerable;
 - whether scrutiny could make a difference to the way the item is dealt with by the Council;
 - whether it is timely to consider the item; and
 - whether the item is a priority for the Council, eg part of the Strategic Plan.
- 21.** Cardiff Business School has assessed the criteria as good practice. We found they worked well with two of the three scrutiny committees as they encouraged members to explore the rationale for including items in the forward work programmes and to discuss and agree their prioritisation. However, there was little exploration and analysis of items at the Corporate Scrutiny Committee's forward work programme workshop. As a result, the Committee did not consider in enough detail the potential contribution of the scrutiny process to each of the items under discussion.
- 22.** There is little discussion around, or identification of, the resources required to complete forward work programmes. Officer support capacity and the time constraints imposed by only five full committee meetings a year are given insufficient consideration during the setting of the programmes.

Meetings are not held frequently enough to enable members to give adequate consideration to important agenda items, particularly in the Services Scrutiny Committee, and the contribution of pre-meetings to the effectiveness of the scrutiny process is variable

23. The low number of scrutiny committee meetings limits the potential of the scrutiny function. Members of the Services Scrutiny Committee we spoke to believe that insufficient time is available to them to provide an effective challenge to policy development and service delivery and performance in areas that account for about 80 per cent of Council expenditure.
24. During our review, we observed a pre-meeting replaced by a forward work programme workshop and another held significantly later than the Council's target of four to five weeks in advance of the formal committee meetings. Good practice identified by the Wales Audit Office's **Good Scrutiny? Good Question!** report states that pre-meetings that take place well in advance of formal committee meetings can enable scrutiny to discuss and plan their activities to ensure that:
- the purpose of each item is clear;
 - the information needs and required witnesses are agreed; and
 - the committees have an effective mechanism for developing lines of enquiry.
25. We also observed a pre-meeting which lacked focus and direction and where members attempted to challenge issues in advance of the formal committee meeting rather than identifying any further information requirements and determining lines of enquiry. The Council recognises that inconsistencies in the timetabling and operation of some pre-meetings can have a negative impact on the quality and impact of scrutiny.

There is a lack of engagement between the Cabinet and scrutiny committees

26. Despite recent attempts to encourage Cabinet members to improve engagement with scrutiny, there remains a separation and a lack of co-ordination between the agendas and work of Cabinet and the scrutiny committees. A lack of detail in the Cabinet forward work programme makes it difficult for scrutiny committees to identify, in advance, areas on which to focus. In addition, as Cabinet meetings are held far more frequently than those of scrutiny committees, there are only limited opportunities for scrutiny to provide input and challenge to many areas of Cabinet business.
27. The consequent disengagement between the work of the Cabinet and that of the scrutiny committees prevents the Council from fully achieving the improvement objective of securing 'better decisions' through effective scrutiny.

Regulators' recommendations and proposals for improvement are not consistently included in work programmes

- 28.** External regulators such as the Wales Audit Office, Estyn and the Care and Social Services Inspectorate Wales (CSSIW) issue reports to the Council that contain recommendations and/or proposals for improvement for the Council in many key areas. Some reports are specific to the Council while others are national reports often containing examples of good practice elsewhere in Wales.
- 29.** Reports by the regulatory bodies are not consistently included in the forward work programmes of the Council's scrutiny committees. Current practice is that the scrutiny support officers refer some of the reports from Estyn, CSSIW, and the Wales Audit Office, to the appropriate committee for inclusion in their programmes. This can, however, result in important items, such as the Annual Improvement Report by the Wales Audit Office, being absent from programmes. We also found that, during forward work programme workshops, there is generally a lack of enthusiasm for, and appreciation of, the value regulators' reports can add to scrutiny.

The quality, detail and presentation of information provided to scrutiny are variable

- 30.** The majority of papers presented to scrutiny committees are of a reasonable quality. However, some of the information provided contains complex statistical material and makes assumptions about the level of knowledge of members in a particular service area. Some of the papers also use acronyms without any accompanying explanation.
- 31.** A number of members told us of their frustration about the ease of use, timeliness, completeness and relevance of some of the information they receive. Estyn and CSSIW have expressed similar concerns following their visits to scrutiny committees.

Gaps in the skills of some scrutiny committee members means the quality of questioning during meetings varies significantly and often results in a lack of focus in drafting recommendations

- 32.** Some aspects of scrutiny meetings, such as the contributions of officers and Cabinet members, work well. However, a number of other areas are less effective. Weaker areas include a lack of focus in questioning and probing when holding Cabinet members to account and insufficient understanding of key issues during the formulation of recommendations intended to produce achievable and measurable improvements.
- 33.** Scrutiny support officers provide Cabinet members invited to scrutiny meetings with a clear brief detailing the item under consideration and what information they are to provide. As reported earlier, this works well; the contributions of Cabinet members and officers are generally constructive and informative. We also observed some examples of effective and robust questioning. However, there were also a significant number of parochial questions lacking an appreciation and understanding of the subject matter.

-
34. Developing lines of enquiry during pre-meetings also presents a challenge, with some members failing to maintain a wider perspective on issues. In many cases, members use the pre-meeting to challenge the items on the agenda rather than formulating thorough and robust scrutiny questions for the subsequent formal meeting.
 35. In addition, we observed a number of instances during scrutiny committee meetings where members asked questions on individual cases relevant to their own wards and raised issues that were too specific for Cabinet members and officers to be able to answer. Other questions lacked cohesion and direction, hindering the progress of the agenda items towards clear, informed and robust recommendations.

Scrutiny investigations are generally well-formulated and robust but their broad scope and a lack of resources often result in a loss of momentum, delays to the final reports and make public engagement problematic

36. Each scrutiny committee routinely undertakes between two and three investigations a year. The investigations vary in size and scope depending on the item under review.
37. We examined two scrutiny investigations as part of our review – ‘The Quality of Education’ and ‘From Hospital to Home.’ The former investigation reported in 2013. The latter recently concluded its second stage, which was reported to the Services Scrutiny Committee in June 2015.
38. The outputs from the two scrutiny investigations are generally of a good quality. Reports are well structured and comprehensive, reflecting a commitment by members to make a meaningful contribution to the issues under review. Members are generally supportive of the principle of investigations as a means by which they can make an impact on the Council’s policy and decision-making.
39. However, some members expressed frustration and disappointment with the length of time investigations can take from scoping to reporting. While investigations are intended to report within six months, some take longer. As a result, momentum can be lost and reports could become out-dated before they are completed.
40. In addition to a loss of momentum and impact, members told us that the broad scope of some investigations makes meaningful public engagement problematic if not impossible. Both the Council’s Ffordd Gwynedd and Scrutiny Strategies promote a greater commitment to engagement with, and focus on, the citizens of Gwynedd. However, scrutiny investigations do not sufficiently engage in public consultation to inform their reports, relying instead on the experiences of a relatively small sample of citizens.
41. For example, the ‘Quality of Education’ investigation consulted with only 94 schoolchildren and 27 parents across the county, while the ‘From Home to Hospital’ investigation obtained the views of only 14 members of the public. Given the large scope of these investigations, it is unlikely that these numbers provide an accurate and balanced picture of the experiences of Gwynedd citizens. The Council is not, therefore, fully achieving the Scrutiny Strategy’s ‘better engagement’ improvement objective.

There is insufficient awareness of the impact of scrutiny which risks undermining its intended purpose of contributing to improvements in the services the Council provides for the people of Gwynedd

42. Overall, we found a lack of evidence that scrutiny contributes significantly to improving the Council's decision-making process and thereby the services it provides to the people of Gwynedd. The Council undertakes little, if any, analysis and assessment of the impact of scrutiny on, for example, the decisions of Cabinet and the impact of the work of scrutiny committees on improving services. Without a formal evaluation and reporting process, the Council is unable to demonstrate that it is achieving the 'better decisions' and 'better services' improvement objectives in the Scrutiny Strategy.

Cabinet's reported acceptance of all scrutiny recommendations can be misleading and contributes to the uncertainty about scrutiny's impact on decisions and service improvements

43. The Overview and Scrutiny Annual Report 2013-14 states that the Cabinet accepted all of the recommendations of the scrutiny investigations reported during the year. However, although the Cabinet accepts all the recommendations from scrutiny, it only implements some. Although there is no obligation on the Cabinet to accept all scrutiny recommendations, some members are frustrated that they receive no feedback to explain why their recommendations are not implemented. Cabinet members have recently agreed to re-examine their approach to responding to scrutiny recommendations.

Scrutiny does not consistently monitor the implementation of its recommendations

44. Scrutiny forward programmes regularly include updates on the progress of the implementation of recommendations made following scrutiny investigations. However, other recommendations from scrutiny committee meetings are rarely followed up. If scrutiny committees do not ensure that action is taken in response to all the recommendations made then their credibility for driving improvement in Council decisions and services will be compromised.

Wales Audit Office
24 Cathedral Road
Cardiff CF11 9LJ

Tel: 029 2032 0500

Fax: 029 2032 0600

Textphone: 029 2032 0660

E-mail: info@audit.wales

Website: www.audit.wales

Swyddfa Archwilio Cymru
24 Heol y Gadeirlan
Caerdydd CF11 9LJ

Ffôn: 029 2032 0500

Ffacs: 029 2032 0600

Ffôn Testun: 029 2032 0660

E-bost: post@archwilio.cymru

Gwefan: www.archwilio.cymru