



SCRUTINY HANDBOOK

This document is a guide for councillors and officers to how scrutiny works in Moray Council. It covers in detail the scrutiny element of the work of the Audit and Scrutiny Committee and how this fits within the council's wider scrutiny framework.

It includes details of the committee's scrutiny review process which can be invoked where the need for specific scrutiny is identified; there is also a section on the tools and techniques which can be utilised by all councillors and officers to support effective scrutiny.

The guide is divided into three parts

Part 1: An Overview of Scrutiny within Moray Council

Part 2: The Work of the Scrutiny Committee

Part 3: Supporting the Delivery of Good Scrutiny

Part 1: An Overview of Scrutiny within Moray Council

The council and its principal committees are responsible for the oversight and direction of services falling within their remit as defined in the Scheme of Administration. The functions of the Council and these committees extend to scrutiny by elected members of proposals taken forward in relation to policy or service development and improvement, e.g. by option appraisal, and also of performance within individual service areas.

There is also provision for elected members to seek further scrutiny of any topic by raising a notice of motion, through verbal or written questions raised at committee meetings or by seeking clarification on minutes of prior meetings

This aligns well with best practice guidance which notes that scrutiny is every elected member's job, as a means of securing improvements and maintaining a focus on the delivery of agreed outcomes.

The council's committee structure (diagram)

Moray Council

Policy and Resources Committee

Children and Young People's Committee

Communities Committee

Economic Development and Infrastructure Committee

Planning and Regulatory Services Committee

Licensing Committee

Licensing Board

Audit and Scrutiny Committee

Police, Fire and Rescue Services Committee

The role of the scrutiny function of the Audit and Scrutiny Committee is to facilitate **additional** scrutiny that:

- does not duplicate scrutiny undertaken by other means, either internally by the council or its service committees or involving external scrutineers including Audit Scotland and service inspectorates;
- is assessed at the outset as likely to provide added value or assurance relative to functions or services delivered by the council itself or in conjunction with others.

The four principles of good scrutiny per the Improvement Service are:

- To provide 'critical friend' challenge to council services as well as to external authorities and agencies;
- To reflect the voice and concerns of the public and communities;
- To lead and own the scrutiny process;
- To make an impact on the delivery and improvement of public services.

Scrutiny in context

Scrutiny arrangements in a Scottish local authority are not covered by statute but are a matter for elected members to determine in consultation with officers. Being non-statutory, the work of a scrutiny committee can be viewed as complementary given the scope and coverage of other committees; however, best practice guidance highlights that:

- In a climate of reducing resources the importance of scrutiny has never been greater.
- The principal power of a scrutiny committee is to influence the decisions and policies of the council and other organisations involved in delivering of public services.
- For scrutiny to be effective, it must be seen as an investment in improvement, which requires it to be targeted, proportionate and effective from a cost benefit perspective.

Effective Scrutiny

Effective scrutiny requires discussion and debate on which improvement depends, and in order to secure at least partial separation from the political administration, the chair of the scrutiny committee is a member of an opposition party. The choice of the

committee chair sets the tone for effective scrutiny ensuring, during the consideration of any area under review, that:

- The focus is not on negatives or apportioning blame, but is a genuine endeavour to improve service delivery;
- An objectivity is displayed that is likely to encourage the political administration to acknowledge and accept points arising from scrutiny activity;
- There is a willingness from all party groups and individuals to make scrutiny work effectively; otherwise the reviews are unlikely to add value.

Good scrutiny can involve the public in certain situations; however the rationale for doing so would be predicated on the expected outcomes from any review taking place. This would include consideration of the capacity of the council in terms of its governance and risk framework to take forward recommendations likely to arise from the scrutiny process and the costs of resourcing any consultation or engagement activity.

Part 2: The Work of the Scrutiny Committee

The scope of the committee in relation to scrutiny, per the Scheme of Administration (currently under review) is to:

- Scrutinise the policies of the council and their effectiveness in meeting the Action Plans of the Council as set out in the Corporate Plan.
- Evaluate the actions of Committees and implementing the action plan set out in the Corporate Plan.
- Oversee the development and implementation of the Best Value improvement process.
- Deal with all matters relating to the council's duty to secure best value in terms of the Local Government in Scotland Act 2003 with the exception of equalities, the power of well-being and Community Planning
- Receive reports on the performance of and trends within all of the council's services in terms of service standards and performance information.

Thus reviews may focus on:

POLICY – topics identified for review because of changes to legislation/guidance or where a policy is viewed as being ineffective. These reviews are undertaken in line with corporate priorities thereby adding value and aiding in the delivery of corporate plan objectives.

PERFORMANCE - topics referred to the scrutiny committee for further review following consideration of information at council or service committee, or from

benchmarking information where services are reporting challenges in meeting performance targets.

VALUE FOR MONEY - topics that look at improving performance, reducing costs, improving customer satisfaction, and aiding in achieving corporate priority outcomes. Value for money reviews may also consider the activities of bodies that receive council funding to deliver services on behalf of or in partnership with the council.

Selecting Areas for review

A decision to undertake a review shall be based on the potential for improvement. Reviews take up valuable resources so the scrutiny committee must have confidence from the outset that the outcome will result in recommendations for change that will deliver measurable improvements in quality or efficiency that outweigh the cost of review.

There are a number of issues that can be considered to assess the level of importance of any scrutiny topics the Committee may wish to progress. These are outlined in the table below and use an evaluation of likelihood and impact in line with risk management practice, with higher scores indicating higher risk areas that may merit examination.

Assessment Criteria	Likelihood (Score 1to 5)	Impact (Score 1 to 5)	Overall Score (Max. Score 25)
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 from more than three sources			
Issue referred by council or service committee			
Likely to impact on ability to meet stated outcomes			
Lack of progress in delivering identified			

improvements			
Evidence of systems failure			

Following consideration by committee, topics with higher scores may be selected to be taken forward subject to resources being made available to do so. Topics will be considered unsuitable for scrutiny if:

- The issue is being examined by an officer group with changes imminent;
- The issue is being examined by another committee or through internal or external audit or other scrutiny process;
- 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.

The scrutiny review process

Following selection of suitable scrutiny areas as above a five stage review process is proposed

- Agree terms of reference and define scope of review
- Reviewing existing information available
- Undertake research and consultation
- Scrutiny committee evaluate evidence
- Report to be drafted for consideration by scrutiny committee.

Report recommendations agreed by the scrutiny committee will require submission to the council or service committee for consideration and implementation where appropriate. Should any recommendations not be taken forward, the reasoning for same should be given and recorded in the minutes of the meeting.

The scrutiny committee may request progress reports on agreed actions taken in response to scrutiny reviews.

Part 3: Supporting the Delivery of Good Scrutiny

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

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 establishing the facts. A good question will:

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

Open Questions

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

An example of an open question would be:

“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.

Questioner: “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. Those asking questions 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.

Questioner: How have you achieved this?

Respondent: Our success is due to the staff involved.

Questioner: What exactly does this mean?

Closed Questions

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

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

Respondent: Yes

Good Practice in Questioning

There is a difference between holding to account and helping to improve. A questioner 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'

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 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

Making Sense of Performance Data

Typical Features of a Performance Report

A typical performance report at the Council contains some common features:

- Area of performance being measured – eg education, economy, environment
- Number of performance indicators – the number used will depend on the area being reported with increasing emphasis being placed on a few key indicators.
- 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 trends

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 (data for illustration only):

Performance Area	Relevant Indicator	Target 2017/18	Performance Data and Trend		Comments	Target 2018/19
Waste collection	% of household waste collected on due date	90%	2015/16 – 80% 2016/17 – 82% 2017/18 – 83%	↑	We will continue to improve.	95%

- Do we agree that performance is improving? Over the last three years, we have improved by only 3%. Is this a significant improvement?

- We have failed to reach our target for 2017/18. Was this ever achievable? Why is it set so high? Past performance suggests that 90% is not a realistic target. Why have we increased it to 95% for 2018/19?
- 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 waste collection. What else do we need to know?

Further Information

Useful Web Links

The Centre for Public Scrutiny <http://www.cfps.org.uk>

The Improvement Services <http://www.improvementservice.org.uk>

Scottish Government <http://www.scotland.gov.uk>

Audit Scotland <http://www.audit-scotland.gov.uk/scrutiny>

Contact Details

*If you need any further information or advice, please contacton
(01343) 563xxx.*