



SCRUTINY GUIDE

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This document is a guide for the public, councillors and officers to how scrutiny works in Moray Council. It is divided into nine parts:

1. What is scrutiny?
2. An overview of council scrutiny
3. External scrutiny
4. Internal scrutiny
5. Scrutiny by councillors through the committee process
6. Scrutiny by councillors outside the committee process
7. The role of the Audit and Scrutiny Committee
8. Principles of good scrutiny for councillors
9. Scrutiny tools and techniques for councillors

1. What is scrutiny?

1.1 The Council raises and is allocated a significant amount of public money to deliver services for the public. Effective scrutiny helps the Council demonstrate that this money is being spent wisely and accountably and that it is continually seeking to improve the services it provides to the public.

1.2 Scrutiny arrangements in Scottish local authorities are not covered by statute but are a matter for each local authority to determine.

1.3 The following extracts from the Improvement Service [Scrutiny Notebook](#) are useful:

The overall objective of scrutiny is improvement. There is an unremitting demand upon council services to deliver real improvements to their communities, customers or users.

Scrutiny should be more than a process of enquiry. It is a vital component of good governance and improves councils' decision-making, service provision and cost-effectiveness.

2. An overview of council scrutiny

2.1 The following diagram shows the ways in which Council policies, actions and decisions can be scrutinised, both externally and internally.

SCRUTINY

OF THE COUNCIL AND ITS DECISIONS



3. External scrutiny

3.1 This diagram shows that, as well as being accountable to a number of external regulatory bodies, the Council are directly accountable to the public in a number of ways.

4. Internal scrutiny

4.1 The wide range of Council functions and the decisions required to keep these functions operating are delegated to committees (made up of councillors) and to officers. It helps to look at the different, but complementary role of councillors and officers:

Councillors set strategy, review resources, performance and risk through Council and Committee meetings. They are accountable to the electorate

Officers keep services running, implement policies/decisions and provide options to the Council and its committees for decisions to be made. They are accountable to the Council and its committees.

5. Scrutiny by councillors through the committee process

5.1 Most Council functions are delegated to committees which meet regularly to consider policy, budget and performance information for the services within the remit of that committee. The Council's current committee structure, as detailed in its Scheme of Administration, can be found on the following [webpage](#). [link to be inserted]

Scrutiny is every councillor's job. It helps ensure that the Council remains transparent, accountable and open, resulting in improved public policies and services.

Council and committee meetings provide the primary means for councillors to carry out their scrutiny role.

5.3 Through debate and questioning at committee councillors can query and seek assurances on:

- Budget and financial information
- Progress against plans and policies
- Service performance
- Complaints

5.4 Councillors can request further action in areas where the need for improvement action is needed:

- Further evidence, consultation, investigations facts or reports
- Closer monitoring and reporting of areas of concern

- Escalation of areas of concern

Options for “delving deeper” are explored in more detail in paragraph 9 below.

5.5 Council decisions are taken by majority vote and situations may arise where a minority group of councillors feel that they have not received adequate assurances in relation to an area of concern. The Council’s **Standing Orders** make provision for councillors to seek further scrutiny on any topic by

- Seeking **clarification** on minutes of prior meetings
- Raising a **Notice of Motion**
- Submitting a **Written Question** to the committee chair which is answered in public session.
- Asking a verbal question during **Question Time** at a committee meeting.

6. Scrutiny by councillors outside the committee process

6.1 There are a number of other ways in which councillors can seek assurances outside of a formal meeting:

- Informal questions to officers: Officers are generally available to answer questions raised by councillors. This provides an informal means of scrutiny and can save escalation of issues.
- Briefings to councillors. Briefings can be a useful way for information to be presented to councillors on complex issues. Councillors have the opportunity to ask questions of officers and explore options.
- Policy development meetings with officers and senior councillors.
- Project boards and working groups.

7. Additional scrutiny through the role of the Audit and Scrutiny Committee

7.1 The role of the scrutiny function of the Audit and Scrutiny committee is to facilitate additional scrutiny that does not duplicate scrutiny carried out by other means.

7.2 Whilst the Chair of the Audit and Scrutiny committee has traditionally been nominated by the largest non-administration group, the role of chair and of the committee should be non-political and focused on improvement.

7.3 The role of the committee is defined in the Council’s Scheme of Administration as:

To scrutinise areas of policy, service delivery or performance identified for improvement in:

(i) internal and external audit reports where sufficient evidence of progress from the appropriate committee is not available;

(ii) reports or findings from external regulators where sufficient evidence of progress from the appropriate committee is not available.

To receive reports on the performance of and trends within the Council's services as a whole in terms of the Local Government Benchmarking Framework.

8. Principles of good scrutiny for councillors

8.1 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.

8.2 Scrutiny in context

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.

8.3 Effective Scrutiny

Whilst debate can focus on politics, it is important for effective scrutiny 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.

9. Tools and Techniques for scrutiny

9.1 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.

9.2 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.

9.3 Questioning and Listening Techniques

(i) 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

(ii) 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?”

(iii) 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?"

(iv) 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: Can you explain in more detail how our staff have achieved this success?

(v) 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

(vi) 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.
- Help to explain what you are trying to get at.
- 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'

(vii) 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

(viii) 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

9.4 Making Sense of Performance Data

(i) 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

(ii) 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?

(iii) Challenging Service Analysis

Committee members will not necessarily be experts in all areas. 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 3%. Is this a significant improvement?
- We have not reached 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>