

Meeting:	Overview and Scrutiny Committee
Date:	9th December 2008
Subject:	Reconfiguration of the Scrutiny Structures – A Review
Responsible Officer:	Lynne Margetts Scrutiny Manager
Committee Chairman:	Cllr Stanley Sheinwald
Exempt:	No
Enclosures:	Report from Scrutiny Reconfiguration Workshop

Section 1 – Summary and Recommendations

This report sets out the findings of the review of the reconfiguration of the scrutiny structures and makes recommendations as to how improve the process further

Recommendations:

The Overview and Scrutiny Committee is requested to:

- i. Note the report from the Scrutiny Reconfiguration Workshop
- ii. Hold a meeting of scrutiny lead councillors to explore in more depth issues that they face. Based on this instruct the scrutiny team to develop further training and support to enable the scrutiny lead councillors to fulfil their role as envisaged in the original reconfiguration proposals.
- iii. Instruct the scrutiny team to develop further publicity with regard to the scrutiny lead councillors for dissemination across the organisation
- iv. Consider the options outlined below for addressing health issues and agree a way forward by agreeing one of the following options:
 - a. Besides the above recommendations, recommend no further changes to the O&S structure
 - b. Ensure stricter scheduling of health issues and expertise within existing O&S meetings
 - c. Request a detailed report on the possible establishment of a specific health scrutiny sub-committee which may be either permanent or temporary.

Section 2 – Report

Background

In summer 2007, the Overview and Scrutiny committee (O&S) agreed to reconfigure its structures to comprise a cross-cutting Overview and Scrutiny committee and a similarly cross-cutting Performance and Finance sub committee (P&F). The focus of the O&S committee was proposed as the long-term strategic direction of the council and partners and the focus of the P&F committee was proposed as the performance of the council and partners against their stated strategic objectives. To complement this committee structure a network of 'lead' policy or performance scrutiny councillors was established to ensure a level of expertise in specific areas was maintained, that there was a visible pathway into the scrutiny structures and that the priority of issues arising could be determined and their resolution directed to particular parts of the scrutiny structure.

In December 2007, the council was the subject of an Improvement and Development Agency peer review and this review recommended that the reconfiguration of scrutiny be monitored to ensure that its effectiveness could be ensured. This review has now been undertaken and this report outlines the findings of the review. In addition to ongoing commentary on the revised structure from the lead members the cornerstone of the review was an externally convened workshop of all scrutiny councillors and reserves. The report of the outcomes of the workshop is attached as Appendix One to this report.

In October, the Leadership Group of scrutiny councillors (Policy and Performance Lead Councillors, Chairmen and Vice Chairmen) met to consider the implications of this report and made a number of observations

Role of Lead Scrutiny Councillors

It is clear that the introduction of the lead councillors has proved a significant benefit to the scrutiny structures: their functioning has enabled scrutiny to address those issues of highest concern via the committees and has ensured that issues which might previously have required committee time can be considered at regular meetings of the leads and that return items which would have been monitored by the committees can be reviewed by the leads. However, despite these improvements, concerns remain, particularly regarding how proactively and independently the leads are operating. It would seem that this is a matter of both clarity of understanding of the proposed roles – have members been given the right guidance on their role, and confidence – are members receiving the right information, support and networking opportunities to fulfil the role.

In order to address this, the Leadership Group propose that the scrutiny team develop further training to support the lead councillors in their roles and will continue to provide briefings for the individual groups of lead members in order to keep them fully up to date with policy developments in their areas. The group also suggested that the role of the lead councillors may not be fully appreciated across the organisation and that therefore further publicity within the organisation itself might help to anchor the leads clearly in the council's improvement processes.

In addition to this, it might be useful to convene a specific meeting of the lead councillors (adult health and social care, children and young people, safer and stronger communities and sustainable development and enterprise) to try to establish what some of the specific concerns of the leads are and how these might be addressed.

Predominance of Health Issues

The most significant concern that has been raised with regard to the reconfigured scrutiny structure is the disproportionate impact that health matters are having on the agenda of the cross cutting O&S committee. Councillors have raised a number of concerns that health issues are limiting the effectiveness of the committee by preventing the consideration of other non-health issues. They also feel that as the remit of the committee is generic, the necessary expertise with which to challenge the poor performance of the health providers is not available and that in fact, committee time is wasted as councillors less familiar with health matters ask less focussed questions than would be asked at a specialist committee. Whilst there is no direct evidence that non-health issues have been excluded from the committee due to lack of time (it is worth noting that the number of items being considered at committee is significantly reduced from the position prior to reconfiguration), it is beyond contention that the poor performance of local health providers and the huge changes to the local health economy likely to result from proposals in Healthcare for London has increased the pressure on the O&S committee to give agenda space to health items. This coupled with the fact that matters do not appear to be being dealt with off line, via the lead councillors and that agendas are not being constructed as originally agreed (to designate 3 O&S meetings per year as specifically devoted to health issues) means that the health issues are being considered at most meetings of the committee.

It remains the case that the flexibility offered by the cross-cutting committee offers councillors the capacity to address the peaks and troughs in demand – today's priority may not be tomorrow's. It is also the case that the generic committee has allowed a more holistic consideration of issues coming to the attention of councillors – it is no longer the case that service improvement and the well being of residents are the remit of individual parts of the council or specific organisations. By all lead members being involved in the consideration of items, a more rounded analysis of issues has been facilitated. It is also the case that issues can be responded to in a timely fashion because of the frequency of the O&S meetings.

There are clearly a range of views regarding the effectiveness of the structure and on ways that current difficulties might be resolved. There is, as stated above, general agreement in the need to improve the performance of the lead councillors and to improve the agenda development and management of the O&S committee. However, there are a number of options as to how to resolve the capacity of the committee to address peaks of work via a single committee system (in this case, health). These are outlined below.

No change

Whilst there have been significant benefits to the introduction of the single cross cutting O&S committee, it seems unlikely that continuing with no amendment to the reconfigured scrutiny process is an option. It is clear that there is currently an over dominance of health issues and this should be addressed.

Stricter scheduling of health issues onto the existing structure

As originally proposed, the reconfigured structure specified that 3 O&S meetings per year would be designated as 'health specials'. This was assumed to mean that a majority of health issues coming to the attention of the committee would be considered at these meetings with only the most urgent issues being considered outside of this specified committee time. As the reconfigured structure has evolved, a much looser interpretation of the original proposal has resulted. Reconfirming the original intention, and perhaps extending the number of health-specific meetings from 3 to 4 might reduce the likelihood of health matters overwhelming the general O&S meeting agendas.

More effective use of the lead members in consideration of less urgent matters would also help reduce the number of issues being considered at the committee.

This option will not however, facilitate the expert consideration of issues that a specific health committee would and may mean that committee time continues to be taken up with non-expert investigation of the health issues. If councillors agree to this option, it might be possible to augment the membership of the committee to include health specialists for these specific meetings to address this.

Establishment of a specific health scrutiny sub committee using 4 of the scheduled O&S meetings

This might be established either:

- As a permanently constituted health sub committee of the O&S committee
- A permanently constituted sub committee of the O&S committee whose terms of reference can be varied on an annual basis to deal with specific peaks in scrutiny work – for the next 18 months this would be health issues

This would mean that expert consideration of health issues could be developed and that more thorough, detailed investigation of health issues would be facilitated. However, it would mean that these issues were considered in isolation from other factors which will need to be included in more rounded investigations required if scrutiny is to secure community well-being. It would also mean that there might be less flexibility in the consideration of health issues, it would not be appropriate for committee time to be given up on one of the O&S meetings for the consideration of a specific health issue. The whole purpose of this option is to separate health matters and not permit slippage across to the O&S agendas.

If this option is agreed, it is recommended that a further report be produced setting out how it might operate, what 'health' means for these purposes, terms of reference, meetings, membership etc.

Section 3 - Contact Details and Background Papers

Contact: Lynne Margetts, Service Manager Scrutiny, 020 4200 9387

Background Papers: None

APPENDIX ONE

Scrutiny Reconfiguration Workshop Harrow Council Monday 22 September 2008

This is the report on Members' responses gained from a) individual questionnaires b) small group work and c) subsequent discussion.

Strengths of the new structure

Several strengths were identified, in particular a more focussed work programme, first-class officers, committed co-opted Members and Lead Members for performance and policy.

Some advantages to dissolving the sub-committees were identified. It was suggested that cross-cutting work has been made easier and that the new structure allows for more effective use of Member time. Rather than their time being monopolised by committee meetings, Members can concentrate on reviews. Disadvantages to this reconfiguration, however, were also observed, as outlined below.

Weaknesses of the new structure

Lead Members

Some indicated that Lead Members are not fully aware of the function of O&S and their particular roles. It was suggested that they need to be more proactive in defining which issues are important and need to be examined.

Relationship with the Executive

Some voiced concerns that the Executive attempts to influence the O&S process, ignoring the O&S–Executive divide, and that it does not view O&S as a critical friend. They suggested that O&S needs to assert its independence and have the courage to refuse to examine an issue if it is not considered a priority or they cannot spare the time. Some Members did not fully agree, however, and asserted that O&S has more influence on the Executive now the current structure is in place.

Resources

A lack of resources, including time, was identified as a significant problem, particularly where it relates to raising public awareness and tackling health issues. Some felt that too many reviews are undertaken at the expense of quality, and that some reviews take far too long. It was pointed out, however, that the problem may be that existing resources are not used efficiently, rather than that existing resources are inadequate. The current credit crisis may well affect public resources and O&S funding may be cut further, so the efficient use of resources is paramount.

Engagement

It was suggested that some Members feel disengaged from and disillusioned with the O&S structure as it stands. Some Labour Members feel that their time can be better spent elsewhere as their voices are not heard in O&S meetings. Members of both parties indicated that they are frustrated that they do not get recognition for attending O&S meetings.

Furthermore, although there are 53 non-executive Members involved in the O&S process, it was felt that the work load is not shared fairly among these Members, and that some do not show an interest in reviews. As attendance is not compulsory there is an attendance problem. It was also felt that some Members do not appreciate O&S and are unsupportive.

Public awareness

A lack of public awareness was acknowledged as a challenge, and there was a consensus that in general the public do not know what can be achieved through the O&S function. Some members of the public attend Cabinet question time but rarely O&S meetings. It was suggested that some information giving sessions concerning O&S should be planned, to help clarify the function for the local community.

Monitoring the implementation of recommendations

Although O&S has the capacity to monitor the progress of recommendations, several Members suggested that in practice this does not always happen. Monitoring varies from review to review, and there are grey areas, for example when the Cabinet 'notes' recommendations but does not formally adopt them. Consequently follow through on recommendations can prove difficult.

Sub-committees

The abolition of sub-committees was identified as a weakness in various respects. It was suggested that this had led to a loss of expertise and focus in areas such as health, education and the environment. Some Members also suggested that sub-committees had fostered good relationships between Members and officers who specialised in a particular area, and eased cross-party relations as Members were working together on another level.

Furthermore, it was felt that there is no longer enough time to concentrate on health in particular, and that health-related issues simultaneously monopolise O&S agendas.

Solutions to the weaknesses of the new structure

Lead Members

The role of Lead Members must be clearly defined. Training and development is required for this purpose and to ensure that Lead Members understand the function of O&S and can proactively identify important issues. It was suggested that this training and development is offered after the next elections.

Resources

It was suggested that the Executive is approached to ascertain whether more resources for the O&S function are available. It should be emphasised that additional resources could facilitate raising public awareness, contribution by the public being a key component of the O&S function.

The number of reviews (challenge panels, standing and light touch) undertaken should be revisited given several Members voiced concerns that quality was being sacrificed for quantity. The number of items on agendas should be limited, and these items should have a clear focus. Furthermore, the focus of reviews should be outward looking, rather than concentrating on the internal workings of the Council.

Awareness

It is evident that raising awareness of the function and importance of O&S—across the council, among Members and officers and among the general public—is a critical step for the future. Meetings must be publicised effectively in order to encourage Member attendance, and it was suggested that group whips are established for this purpose. Given that some members of the public attend Cabinet question time, these sessions may provide a useful opportunity to communicate the function and importance of O&S, and its accessibility to members of the public. On a basic level raising awareness can be achieved by ensuring that one article devoted to the O&S function appears in each issue of *Harrow People*.

Monitoring the implementation of recommendations

O&S must have the capacity to clearly monitor progress once a review has been put before the Cabinet, and consequently a rigorous embedding of the follow-up process is required. This should include clarification of the procedure to be followed when recommendations are 'noted' rather than formally adopted by the Cabinet.

Furthermore, the Cabinet need to offer explanations for being unable to implement recommendations. Follow up on the Cabinet's ability to implement recommendations should be a regular, integral part of the O&S process, perhaps at three or four month intervals.

Health

Various solutions for resolving the problem of health issues monopolising O&S agendas were offered. One suggestion was that the number of O&S meetings was cut and replaced with meetings solely devoted to health. It was suggested, however, that this is in effect what is currently happening; at the time of the original reconfiguration, it was agreed that 3 O&S agendas would be devoted to health issues and 2 to education matters. Another suggestion was that a separate health committee is established with the expertise to deal with health-related issues knowledgably and efficiently. It was concluded that a small, cross-party action group, involving officers, should be set up to discuss the various solutions to this issue.

Future Challenges

Health

Several Members identified Darzi as a significant challenge given the enormity of the work programme involved. Some suggested that it was overwhelming and could seriously hinder the O&S function in other areas.

Police

The role of O&S in holding the local police to account was identified as a challenge, given the police are self-regulated to an extent, i.e. through the Metropolitan Police Association. O&S must look at how it will engage with Harrow police.

Comprehensive Area Assessment

Party politics

It was emphasised that all Members should remain committed to upholding the non-political nature of the O&S function, as its role is to work for the community as a cross-party entity.

Frances Taylor

francesmtaylor@yahoo.com

Improvement and Development Agency for Local Government (IDeA)

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