

Date of issue: Friday, 11 November 2022

MEETING	OVERVIEW & SCRUTINY COMMITTEE (Councillors Gahir (Chair), Matloob, Akbar, Bal, Basra, P. Bedi, Kaur, M. Malik and S. Malik)
DATE AND TIME:	THURSDAY, 17TH NOVEMBER, 2022 AT 6.30 PM
VENUE:	COUNCIL CHAMBER - OBSERVATORY HOUSE, 25 WINDSOR ROAD, SL1 2EL
DEMOCRATIC SERVICES OFFICER: (for all enquiries)	NICHOLAS PONTONE 07749 709 868

SUPPLEMENTARY PAPERS

The following Papers have been added to the agenda for the above meeting:-

* Item 5 was not available for publication with the rest of the agenda.

PART 1

<u>AGENDA ITEM</u>	<u>REPORT TITLE</u>	<u>PAGE</u>	<u>WARD</u>
5.	Scrutiny Improvement Review	1 - 28	All

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Slough Borough Council

Report To:	Overview and Scrutiny Committee
Date:	17 November 2022
Subject:	Scrutiny Improvement Review
Chief Officer:	Stephen Taylor, Monitoring Officer
Contact Officer:	Alexander Polak, Head of Governance and Scrutiny (Statutory Scrutiny Officer)
Ward(s):	ALL
Exempt:	NO
Appendices:	Appendix A – Centre for Governance and Scrutiny, Scrutiny Improvement Review, Feedback Report Letter, November 2022 Appendix B – Scrutiny Improvement Action Plan

1. Summary and Recommendations

- 1.1 The Secretary of State has intervened in Slough Borough Council (SBC), and one of their Directions is that the Council must make a plan to improve its scrutiny function. The Centre for Governance and Scrutiny, the UK's leading organisation for this type of work, has completed a review of SBC's scrutiny function (Appendix A) and made recommendations (section 3 of Appendix A). This report proposes that the Committee and then Full Council endorse these recommendations and take steps to implement changes to the scrutiny function as soon as practicable. A Member Working Group is proposed to steer how these recommendations are implemented over the coming months.

Recommendations:

- 1) That the actions to date and next steps in the Scrutiny Improvement Action Plan at Appendix B be noted
- 2) That the findings of the Centre for Governance and Scrutiny's Scrutiny Improvement Review at Appendix A be noted
- 3) That the recommendations found in section 3 of the Scrutiny Improvement Review Feedback Report Letter be endorsed.
- 4) That the O&S Committee recommends to Council:
 - a) That the actions to date and next steps in the Scrutiny Improvement Action Plan at Appendix B be noted
 - b) That the findings of the Centre for Governance and Scrutiny's Scrutiny Improvement Review at Appendix A be noted

- c) That the recommendations found in section 3 of the Scrutiny Improvement Review Feedback Report Letter be endorsed.
- d) That a Scrutiny Working Group be reconvened in order to make recommendations to council, as soon as practicable ahead of the May 2023 elections, about the detailed changes to Overview and Scrutiny, plus associated constitutional changes.

Reason: To properly receive, in public, this important external review of a key part of Slough Borough Council's democratic governance arrangements, and to make sure swift action is taken in response.

Commissioner Review

"No programme for improvement of the scrutiny function was presented for approval by Commissioners as required by the Direction in the time specified. Commissioners were aware of the commissioning of the CfPS report and welcome its findings and recommendations. This report is a useful update but the Council needs to make urgent progress in setting out a resourced plan as Directed and ensure it has appropriate approvals and is regularly monitored."

2. Report

Why was a review commissioned?

- 2.1 In October 2021 an [external assurance review](#) of Slough Borough Council was published. This included a [governance review by Jim Taylor](#) for the Secretary of State, dated September 2021. This included the following statement:

"The scrutiny function is under resourced and there is no permanent statutory scrutiny officer. All seven meetings of Scrutiny Committees were cancelled in June and July of 2021. The interim Head of Democratic services left the organisation in July 2021. Elected Members indicate they require additional scrutiny resource to carry out their function effectively. Members state that scrutiny reports are complex and hard to interpret, and it is difficult for lay people to challenge. It is acknowledged that some reports have not been given enough scrutiny. Slough Children First refer to an inadequate focus on their activity within the scrutiny function. Members also state that there is has been an 'erosion of trust' with officer reports, considering 'what has happened'. There is no scrutiny forward plan."

- 2.2 In December 2021 the Secretary of State for Levelling Up, Housing and Communities ("the Secretary of State") made [Directions to Slough Borough Council](#) under the Local Government Act 1999 which included the following [in section 3 of Annexe A](#):

"In the first three months prepare and agree an Improvement Plan to the satisfaction of the Commissioners (which may include or draw upon improvement or action plans prepared before the date of these Directions), with resource allocated accordingly, and as a minimum, the following components:

...

An action plan to achieve improvements in relation to the proper functioning of the scrutiny function...”

- 2.3 A Service Improvement Plan was created including various actions to improve the functioning of scrutiny, many of which are complete such as:
- provision of scrutiny training to councillors and officers, and report-writing training for officers;
 - The Head of Service role for the function has been re-filled and made Statutory Scrutiny Officer;
 - Re-provision of scrutiny officer capacity has been made in the Democratic Services budget, recruitment of which is underway;
 - A Work programming exercise was completed with all scrutiny members;
 - Three focused Task & Finish groups have been launched, including one focused on Slough Children First; and
 - An improved budget scrutiny process has been agreed with Scrutiny Members and is underway.
- 2.4 At the time of the Jim Taylor report, Slough Borough Council also commissioned the Centre for Governance and Scrutiny (CfGS) to do a review of its scrutiny function. This review was carried out after commissioners had then been appointed.
- 2.5 CfGS describes itself as ‘a social purpose consultancy and national centre of expertise, whose purpose is to help organisations achieve their outcomes through improved governance and scrutiny’. Since the creation of overview and scrutiny in local government over 20 years ago, they have been the recognised centre of excellence in the UK for Overview and Scrutiny, and good governance in local authorities.

Findings of the review

- 2.6 The Centre for Governance and Scrutiny’s draft findings have fed into training delivered to Scrutiny Members during the course of this year. Now, as we approach the May 2023 all-out elections, the final version of their report is being published, at appendix A.
- 2.7 The CfGS report includes, in its section 3, a number of recommendations which are considered advisable for the further improvement of SBC’s scrutiny function. The recommendations are not binding, but they are evidenced, authoritative and public.
- 2.8 The report includes an evidence-based description of issues relating to behaviour, skills, knowledge and practice of both officers and members, in various ways, in relation to scrutiny. The report is self-aware that it represents a moment in time and it is likely that members and officers will be aware of other issues or areas of strength in the system which are not included. For this reason, SBC’s action plan for the improvement of scrutiny may include other measures as well as those identified by CfGS.

The Council’s response to the review

- 2.9 While the council can expect to shape its own scrutiny function in light of the recommendations from CfGS, any significant deviation from these

recommendations would need to be supported by an appropriately similar weight of evidence.

- 2.10 The recommendations made by CfGS include some changes to the structure and focus of SBC's scrutiny function which are a strong and direct response to the council's current financial and organisational predicament, as represented by the current intervention by the Secretary of State. As their report explains, some of these changes may be regarded as temporary ie for the duration of this intervention, so Members may expect to review scrutiny again towards or at the end of the council's recovery journey.
- 2.11 It should be expected that the commissioners appointed by the Secretary of State will pay close attention to both the recommendations and the implementation of these recommendations when they review and report on the Council's progress against the Direction specified at section 2.1 above.
- 2.12 A Scrutiny Improvement Action Plan is included as a background paper for the other report on today's Overview and Scrutiny Committee agenda. It is further reproduced, for convenience, at appendix B of this report. It takes account of the work done during the year and notes the CfGS recommendations pending Council's consideration of them. It does not presuppose the council's endorsement of the CfGS recommendations.

Scrutiny Member Working Group

- 2.13 This report recommends that Council be asked to convene a Scrutiny Member Working Group. Such a group carried out a review of scrutiny arrangements in 2020-2021. Its remit in this case would be to consider the Council's position on the CfGS recommendations in conjunction with other information about scrutiny best practice (eg as collected by the previous working group in 2020-21) and to make detailed proposals back to Full Council for implementation as quickly as possible.
- 2.14 The working group's considerations may include whether to make proposals for shadow arrangements during the life of the current council (see 2.17, Jan-April), as well as for new structures and ways of working from May 2023 onwards.
- 2.15 This informal working group would be comprised of:
- The Chairs of the four current scrutiny committees/panels
 - Four members of the Cabinet (nominated by the Leader)
 - The Leader of the Opposition (or their nominee)
- 2.16 The Members Panel on the Constitution will of course also need to have a role in regard to any proposed constitutional changes.

Proposed next steps

- 2.17 The proposed next steps are:

17 November 2022 – Scrutiny committee endorsement of CfGS recommendations, and recommendation on to Full Council

22 November 2022 – Full Council endorsement of CfGS recommendations and agreement to reconvene Scrutiny Members Working Group

December 2022 – Scrutiny Members Working Group meet to consider detailed implementation proposals including timeline for implementation.

Jan-April 2023 – option for shadow arrangements to be established ahead of May 2023 elections, possibly via recommendation to Council early in the new year. To be considered by Scrutiny Members Working Group. This could include the O&S Committee operating as if it were the future Corporate Improvement Scrutiny Committee, while the current three panels use the remainder of their meeting time to complete their existing work on the budget, complete their existing Task & Finish groups, and to make work programme recommendations to be picked up after the May election.

May 2023 – implementation of new scrutiny arrangements in full, including any associated constitutional amendments

May-September 2023 – induction of new Council to include support and development for Councillors and officers re: new Overview and Scrutiny arrangements

3. Options considered

3.1 Members have options for two main areas of the recommendations, as follows.

1) Whether and in what manner to endorse the recommendations:

- a) **Endorse the CfGS recommendations to Council**
- b) Endorse the CfGS recommendations to Council but with evidence-based amendments
- c) Do not endorse the CfGS recommendations to Council

2) Whom Council should ask to take forward the detailed work:

- a) **Recommend that Council convene the Scrutiny members Working Group to take forward the detailed work for implementation and to make future recommendations to Council**
- b) Recommend that Council asks a different member group to carry out this work,
- c) Recommend that officers make recommendations to Council without further member input.

The recommended options have been highlighted **in bold**.

4. Implications of the Recommendation

4.1 Financial Implications

4.1.1 Full consideration of financial impacts of any changes to the council's scrutiny arrangements will need to accompany the future reports recommending those specific changes. The act of endorsing the recommendations of or recommending them to Council does not carry any financial implications.

4.1.2 However, for an indication of the types of issues likely to arise when the implementation of the recommendations is pursued:

- 4.1.2.1 The budget for reinstating a single scrutiny officer in the council, based in Democratic Services, has already been agreed.
- 4.1.2.2 There would be resource implications for a change of the style of scrutiny from being primarily in-committee with four committees, to being more balanced between a single main committee and a strong programme of Task & Finish work, as proposed by CfGS. There is likely to be an opportunity cost in the time of officers across the council in servicing those T&Fs as well as a change in the nature of the work done by Democratic Services in order to support them. CfGS proposes limits to the scale of T&F work at any one time, which may help ensure this work can be delivered within existing resources (including the new scrutiny officer capacity) but this would need assessment. Currently the service is in a halfway position, where a number of T&F groups have already been started but there are still four committees as well. While doing both in this way can work in the very short term it would not be sustainable from an officer resource perspective even once the scrutiny officer role is recruited.
- 4.1.2.3 An Independent Remuneration Panel would need to be convened to consider and make recommendations on whether any change to the scrutiny structure should change the Special Responsibility Allowances (SRAs) associated with leadership positions in the scrutiny function. This may include the Chair and Vice Chair of the proposed Corporate Improvement Scrutiny Committee and potentially Chairs of T&F groups. The three current Scrutiny Panel Chairs each receive an annual Special Responsibility Allowance of £3,291, totalling £9,873 a year between them. Vice Chairs of Scrutiny Panels (and Chairs of T&F groups) do not currently receive a Special Responsibility Allowance.

4.2 Legal Implications

- 4.2.1 Full consideration of legal impacts of any changes to the council's scrutiny arrangements will need to accompany the future reports recommending those specific changes. The act of endorsing the recommendations of or recommending them to Council does not carry any legal implications.
- 4.2.2 However, for an indication of the types of issues likely to arise when the implementation of the recommendations is pursued:
 - 4.2.2.1 Overview and scrutiny committees were established in English and Welsh local authorities by the [Local Government Act 2000](#). They were intended as a counterweight to the new executive structures created by that Act (elected mayors or leaders and cabinets). Their role was to develop and review policy and make recommendations to the council.
 - 4.2.2.2 Overview and scrutiny committees have statutory powers to scrutinise decisions the executive (or 'cabinet') is planning to take, those it plans to implement, and those that have already been taken/implemented. Recommendations following scrutiny enable improvements to be made to policies and how they are implemented. Overview and scrutiny committees can also play a valuable role in developing policy.
 - 4.2.2.3 Overview and scrutiny committees have accumulated a number of powers to undertake 'external scrutiny' of specific additional bodies outside the council, including scrutiny of health bodies and authorities, and scrutiny of crime and disorder strategies.

- 4.2.2.4 Provisions exist for the co-option of representatives from outside the Council onto scrutiny committees when they are considering certain specific issues, for example representatives of faith groups and school governors when education matters are under consideration.
- 4.2.2.5 [Statutory guidance on Overview and Scrutiny in Local and Combined Authorities](#) was published in 2019 by the then Minister for Local Government, Rishi Sunak, and this should be given due regard when designing any future arrangements.
- 4.2.2.6 Any arrangements put in place should take account of all of the above. Current overview and scrutiny legislation recognises that authorities are democratically-elected bodies who are best-placed to determine which overview and scrutiny arrangements best suit their own individual needs, and so gives them a great degree of flexibility to decide which arrangements to adopt. The CfGS recommendations are compatible with all of the above.
- 4.2.2.7 A useful overview of Scrutiny’s powers and duties can be found in the [2019 House of Commons Library briefing paper 06520: Overview and Scrutiny in Local Government](#).
- 4.2.2.8 On 1 December 2021 the Secretary of State for Levelling Up, Housing and Communities made statutory directions requiring the Council to take prescribed actions and that certain functions be exercised from this date by appointed Commissioners, acting jointly or severally. The directions were extended on 1 September 2022. The directions were made under Part 1 of the Local Government Act 1999 due to the Council having failed to comply with its best value duty. The general duty of best value is set out in section 3 of the Local Government Act 1999 and requires local authorities to “make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness”. This requires consideration of overall value, including economic, environmental and social value, when reviewing service provision. There is also a duty to consult when deciding how to fulfil the best value duty.
- 4.2.2.9 Annex A of the directions set out the action the Council is required to take. This included a requirement for an improvement plan with a number of specific action plans. The improvement plan was approved by full Council in May 2022 with a series of recovery themes. The scrutiny improvement action plan was part of this plan, with the detail included in the action plan appended at Appendix B. The action plan will be regularly reviewed and updated to take account of progress and agreed next steps.
- 4.2.2.10 Annex B of the directions set out the functions to be exercised by the Commissioners. These are held in reserve and only exercised where needed. The functions include “All functions associated with the governance and scrutiny of strategic decision making by the Authority”. The Commissioners have not sought to exercise their powers in relation to this matter, however careful attention should be given to any advice of the commissioners set out in this report.

4.3 Risk management implications

4.3.1 Full consideration of risk management implications of any changes to the council's scrutiny arrangements will need to accompany the future reports recommending those specific changes. The act of endorsing the recommendations of or recommending them to Council is primarily associated with the following risks:

- Reputational risk: if the council is not seen to address or take seriously these evidence-based external recommendations, or if the council is otherwise not considered to be properly addressing the direction made by the Secretary of State to improve its scrutiny function, there is a strong risk of attracting public criticism and/or censure, including from the commissioners appointed by the Secretary of State.
 - Mitigation: This risk may be mitigated by endorsing the CfGS recommendations and moving swiftly to design and implement scrutiny arrangements for SBC which take account of them.
- Governance risk: Slough Borough Councillors have a duty and responsibility to ensure that the council functions effectively and provides best value for its residents. Overview and Scrutiny is an important part of this, providing a critical check and balance to decision-makers and allowing all councillors to play a part in shaping policy. Various reports and inspections over recent years, including the one in Appendix A, have raised concerns or issues about the effectiveness of this function. If it is not improved then this may contribute to a failure of the council to meet its responsibilities at a fundamental level ie balancing its budget while providing statutory services for the residents of Slough Borough Council.
 - Mitigation: This risk may be mitigated by endorsing the CfGS recommendations and moving swiftly to design and implement scrutiny arrangements for SBC which take account of them.

4.4 Environmental implications

4.4.1 Full consideration of environmental impacts of any changes to the council's scrutiny arrangements will need to accompany the future reports recommending those specific changes. The act of endorsing the recommendations of or recommending them to Council does not carry any environmental implications.

4.5 Equality implications

4.5.1 Full consideration of equality impacts of any changes to the council's scrutiny arrangements will need to accompany the future reports recommending those specific changes. The act of endorsing the recommendations of or recommending them to Council does not carry any equality implications. Effective scrutiny can play a key role in ensuring the Council is properly complying with its equality duties and this should be considered when identifying a work programme of activity.

5. Background Papers

None

6. Appendices

Appendix A – Centre for Governance and Scrutiny, Scrutiny Improvement Review, Feedback Report Letter, November 2022

Appendix B – Scrutiny Improvement Action Plan

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Centre for Governance and Scrutiny

Scrutiny

Improvement Review

Feedback Report Letter
November 2022

Stephen Brown

Chief Executive
Slough Borough Council

Dear Stephen,

I am writing to thank your predecessor for inviting the Centre for Governance and Scrutiny (CfGS) to carry out an evaluation of the Council's scrutiny function. This letter provides feedback on our review findings and offers suggestions on how the Council could develop its scrutiny process.

Background to the review:

Slough Council invited CfGS to advise and support the Council in a review of its scrutiny function to ensure it is effective in providing a quality contribution in accountability, shaping of policy and decision making, oversight of council delivery plans and overall improvement.

The review task was to check and test that scrutiny arrangements and effectiveness meet reasonable expectations of democratic accountability and that decision-making and overview and scrutiny is transparent, effective, and impactful.

The Council wants its overview and scrutiny structure to create the right framework to maximise its impact particularly in the context of its past apparent weaknesses and in light of the council's current set of considerable challenges. The Centre for Governance & Scrutiny, as the leading national governance and scrutiny organisation, was asked to support a review to help develop the Council's plans for the development of scrutiny as part of overall governance and council improvement.

Slough Council had not undertaken a comprehensive review of its scrutiny arrangements for some time and considered that this would now be a valuable exercise – both to assure its existing practice, and to challenge the organisation to undertake further improvements.

The Scrutiny Improvement Review is designed to explore the current strengths and challenges of scrutiny and to suggest ways to build and improve. It works in collaboration with members and officers to understand and construct such improvement.

Scope & Methodology

This agreed format of the review was a 'step-back' review based on assessing the following:

- **Culture.** The relationships, communication and behaviours underpinning the operation of the overview and scrutiny process. This also involved the Council's corporate approach, organisational commitment, and status of scrutiny.
- **Member engagement.** Are members motivated and engaged? How do they participate, take responsibility, and self-manage their role?
- **Member skills and application.** Are skills up-to-date and can members participate fully or are there development gaps?
- **Information.** How information is prepared, shared, accessed and used in the service of the scrutiny function.
- **Impact.** Ways to ensure that scrutiny is effective, that it makes a tangible and positive difference to the effectiveness of the council, and to local people.

- **Focus.** How prioritisation, timeliness and relevance of the work programme and agendas lead to value-adding and productivity.
- **Structure.** Formats used by scrutiny to carry out its works and their effectiveness.

The review framework consisted of:

Desktop work: CfGS undertook a review of the current scrutiny arrangements, work programme, council forward plan, scrutiny papers and agendas involving two days of evidence gathering online. This provides an evidence base for the rest of the work.

Scrutiny Conversations: Conversations took place with members and officers in December 2021 and January 2022. CfGS met online with elected members and officers, including the Council Leader and Cabinet Members, Group Leaders, Scrutiny Chairs, members of the Scrutiny Panels, members of the Council's senior leadership team as well as member support and governance officers.

Observation: We observed several web/video recordings of the council's scrutiny meetings and reviewed key documents, which is a common theme of the evaluation task.

Our 'virtual on-site' review was carried out between December 2021 and January 2022. All conversations and observations were carried out online.

The review was conducted by:

- Lisa Smart – Associate, Centre for Governance and Scrutiny
- Ian Parry – Head of Consultancy, Centre for Governance and Scrutiny

The findings and recommendations presented in this letter are intended to advise SBC in strengthening the quality of scrutiny activities, increasing the impact of its outputs, and through its members, to develop a strong and shared understanding of the role and capability of the scrutiny function.

This review had started at the time HM Commissioners arrived in Slough and so captures the situation at that particular point in time.

1. Review Executive summary

1.1 The review found that the work undertaken by members within the scrutiny function had the potential to contribute to improving the lives of residents in Slough. Scrutiny members recognised the benefits that scrutiny can bring, and they dedicate time to the role and want to improve outcomes.

1.2 However, there was a recognition that the scrutiny function at the council needed to change and to improve, so that it could add value to decision-making, hold actions and decisions to account and provide oversight in the borough. Furthermore, change could aim to elevate scrutiny so that it is recognised as a strategic function and is used as a resource for corporate improvement. It must as a priority, play a key role in the council's recovery and improvement plans, helping to drive change through robust, collaborative scrutiny.

1.3 Recent changes to the scrutiny approach were welcomed by both members and officers. Members could reference examples where positive changes to scrutiny had made a tangible difference. For instance, through member briefings on budget proposals which gave members confidence to improve their line of questioning. Nevertheless, this review found that the improvement journey needs to be fundamental and move further and faster.

1.4 The majority of those interviewed believed that improvements are needed to make scrutiny more effective and give greater value, we therefore recognised that there is a level of buy-in at the council that improvement is essential.

1.5 The review identified several areas of concern in relation to the focus and purpose of scrutiny: cultural relationships, communication and both production and use of information. There were also weaknesses in the way scrutiny selects and prioritises its work, how recommendations are followed through (or not), and in the skills and proficiency of members which need updating. Scrutiny is currently not performing or delivering what the Council, or its residents need and urgent improvement is required.

1.6 We suggest changes to improve are planned in three stages:

1.6.1 To repurpose scrutiny to concentrate its focus on the delivery of the Council's recovery plan and to maintain robust scrutiny of the essential plans for Council services which may involve innovation, modernisation and re-provision. The risks attached to this highly challenging, complex period for the Council and its services will require strong and effective scrutiny which understands and is aligned to these priorities and potential risks. This is a temporary phase but may last for the duration of government intervention at least.

1.6.2 To upskill and develop members and officers to give them the capacity and capability to take on and respond to this challenge.

1.6.3 To encourage greater trust and challenge across the council, between politicians and officers and between political groups and essentially between scrutiny and Cabinet. In the interests of effective scrutiny and the ability of the council to address its challenges, greater collaboration, mutual respect and shared purpose is vital.

2. Review Key Findings

2.1 Culture

- 2.1.1** Members and officers throughout the course of the review expressed a desire for scrutiny to improve at Slough. Indeed, many people said they would welcome more robust, constructive and challenging scrutiny. This also included members in Cabinet positions and senior officers.
- 2.1.2** Several members and officers talked about recent changes that had been made both to the structure of, and processes within, scrutiny as being a clear positive step in the right direction, albeit a small one in the context of the improvement quest.
- 2.1.3** We noted the enthusiasm of members regarding recent changes to the approach to budget scrutiny. Members reported feeling more empowered to ask good questions following a very useful officer briefing. This may be indicative that relatively small initiatives can collectively make a difference.
- 2.1.4** Initiating and embedding the necessary change will require that ownership for change is accepted as a whole-council responsibility and endeavor. Through the course of our review conversations, it was often the case that causes, and blame, were deflected to other people within the organization, rather than accepting the need for change as a collective responsibility.
- 2.1.5** Cultural change within scrutiny also needs to be a collaborative undertaking. All members and officers who engaged with this clearly wanted to do their best for the residents of Slough and play their role in improving the borough and could effectively demonstrate their commitment.
- 2.1.6** Many members and officers were keen for committee chairs to take a firmer grip in meetings, to 'call out' poor behaviour, dissuade members from imposing individual casework items, prevent drifting off the agenda and avoid too much anecdotally based or repetitive contributions. Chairs need to feel empowered to take a firmer stance in the knowledge that they have the support and authority of the whole committee and wider council to do so.
- 2.1.7** There is also a need for chairs to lead in setting the operational culture and standards of the committee and ensure that acceptable levels of behaviour, respect and reasonable order are maintained. Importantly this should also include ensuring that scrutiny is a 'safe space' for constructive and robust challenge and, where necessary, for speaking truth to power.
- 2.1.8** The current standard of scrutiny chairing and leadership in committee needs to be better. This is not helped by the absence of development opportunities and support for chairs to acquire skills and to build their capacity and confidence in what is a challenging operating environment.
- 2.1.9** A reasonable number of members and officers talked about scrutiny in Slough as something of an ordeal and an experience to endure. It was often felt to be a negative experience and poor atmosphere in meetings which could result in officers avoiding meetings. Officers could often feel that although much effort was invested in preparation, the meeting itself saw little achievement or value-adding and that the experience for officers could be unnecessarily and overly challenging where a language and tone of 'them and us' (councillors and officers) and a lack of member-

officer trust could be recognised. Members also expressed a sense of underachievement in their committees, that their contributions and impact was therefore insufficient.

- 2.1.10** Members also reported that there was no sanction for this poor behaviour or meeting standards. There is, therefore, a clear responsibility and duty upon all members, including chairs to work constructively with officers to address this. They will need to work collectively to drive out mistrust and poor behaviours, and to set a positive direction for scrutiny.
- 2.1.11** Scrutiny, based on the evidence of its agendas and work programmes, seems to operate in its own, separate universe and is not sufficiently aligned to the core priorities and decision-making of the council or the activities of the Cabinet. More importantly it is not currently sufficiently focused on scrutinising the council's critical path of recovery and stability.
- 2.1.12** Unsurprisingly therefore scrutiny is not currently viewed as a key part of council governance and an essential partner in the council's plans for recovery. It will need to work hard to earn a higher level of recognition and respect and to achieve the position of *valued asset*.
- 2.1.13** If improvements can be achieved, stronger scrutiny will inevitably lead to better decision making, stronger policy development and greater assurance through very challenging times.
- 2.1.14** In committee, the exchanges between the Cabinet and scrutiny members and between members and officers should be constructively challenging. Cabinet members should often find the experience to be tough and challenging, but always useful and constructive. However, too often in Slough, words like "aggressive", "combative" and "rude" along with "lacking in trust" regularly popped up in our review conversations with both members and officers. Members and officers should be able to trust one another and work together as one team.

2.2 Member Engagement

- 2.2.1** The review heard anecdotally that members were not thoroughly and consistently reading their committee papers in advance of meetings. This clearly adds to the weak performance of members in meetings. Meeting webcasts also provided examples where members were seeking information which was clearly contained in the meeting papers or answered earlier in the meeting. These factors may indicate a lower-than-expected level of member engagement.
- 2.2.2** We also note that five councillors did not attend pre-agreed meetings to discuss the current scrutiny arrangements and to gain their views for the 'field work' part for the review. This level of engagement was much lower than we would normally expect in comparison to our experience in carrying out improvement reviews in other councils. We suggest this may also be indicative of member interest and motivation.
- 2.2.3** Some members suggested that a reduced level of officer resources for scrutiny could be a contributory factor in scrutiny's limited productivity. There was some support for the scrutiny officer post which was removed recently to be re-established. Whilst there is not always a clear correlation between the level of officer support and the quality of output, a specialist scrutiny officer could potentially provide the level of advice and support needed to assist scrutiny in delivering greater impact.

- 2.2.4** The tone of scrutiny meetings observed and reported was often hostile and interrogatory. One senior member described it as “feeling like you’re being interviewed under caution”. Good scrutiny is often robust, but there is clearly modelling of behaviour that has led some members to believe that they need to be intimidating and forceful to be effective. This delivery is often extended towards relatively junior officers, which we would strongly suggest is unacceptable in any context.
- 2.2.5** Some members also seem to believe that scrutiny is an ideal opportunity to gain attention for their ward casework issues or to pursue matters which are not directly on the agenda. Local insight is a vital and valuable part of scrutiny. Members should also be able to influence agendas where issues are of wide community interest. However, this, we suggest, needs to be part of an agenda setting process, otherwise ‘slipping’ issues into the discussion in a live meeting can be highly disruptive.
- 2.2.6** Again, anecdotally the review received comments about the relationships and dynamics within the main political group and its working relationship with opposition members. A good level of cross-party collaboration is always a positive feature of effective scrutiny, and the example should be set by political leaders. We would therefore encourage open and positive dialogue and co-operation.
- 2.2.7** In general, CfGS’s experience in other well-performing councils is that Cabinet decision makers welcome strong scrutiny as a constructive and useful experience and a positive aspect of their role and duty to be accountable. Scrutiny members should be working together in a common mission. And in this context the formal role of opposition councillors also working as independent-minded scrutineers, would add further credibility and authority to the scrutiny function and would be in line with established good practice.
- 2.2.8** The review heard some concerns that there was no formal role for opposition members within the current scrutiny structure. The controlling group appoints its own members to these roles. There is no national guidance or convention for scrutiny appointments, such as chairs or vice chairs, to be shared with opposition groups. Overall what has a bearing on scrutiny effectiveness is the capability of the chairs to lead scrutiny, to establish its authority and to create a safe and inclusive environment for robust scrutiny to happen, whatever their political alignment.
- 2.2.9** There are several reasons why scrutiny at Slough has not been functioning as well as it could and should. Responsibility does not lie solely with officers or solely with members. For things to improve, the leadership of the council will also need to own the issue and drive the implementation of the recommendations within this review letter.
- 2.2.10** When members of the Cabinet and senior officers are asked to attend scrutiny, scrutiny committees need to be clearer and more explicit about what the aims and objectives are of the session (including clarity over the content of any reports and presentations required). This would improve scrutiny’s impact by creating a shared understanding.
- 2.2.11** It should be expected that Cabinet members present to scrutiny, with sufficiently senior officers accompanying them (to provide answers to technical questions). As officers advise and members decide, scrutiny should want to challenge the decision makers.

2.3 Member skills and application

- 2.3.1** Openness to undertake specific scrutiny-related training was evident across the council, although some members felt they did not need any themselves.
- 2.3.2** Members can be unsure about their role and whilst contributions vary our observations suggest that Members are unclear about their role as scrutineers, so input is varied and often disjointed or incoherent. The overall effect therefore lacks any meaningful achievement. This is perhaps more apparent when external guests or partner organisations are involved – this can be a quite random experience and must at times feel surreal or lacking in purpose for those invited to scrutiny. Members need to be more professional and prepared, and present a more professional and prepared experience in these circumstances, which may also require member development.
- 2.3.3** There is currently a range of experience, skills and abilities across the membership of the council, including some relatively new councillors. It is clear some skills training and specific development for members would be beneficial. We would suggest that this is targeted and specialised and not ‘general’ training to gain maximum benefit. Scrutiny chairs in particular would be a good place to invest in more specialised 1-2-1 coaching support. Growing effective chairing and leadership in scrutiny through this type of training can often be a significant agent for change.

2.4 Information

- 2.4.1** Our field work included reviewing the reports and information provided to scrutiny and how this was designed and presented to support the scrutiny objective. We suggest that more thought and collaboration is needed. Often reports are long and technical and can appear to be all-encompassing rather than a clear asset which help to focus scrutiny enquiries and questions. Some councillors expressed a frustration that reports for meetings were often circulated late, and, in some cases, used overly technical language that was less accessible to non-subject matter experts.
- 2.4.2** This can be due to a poor or non-existent brief by scrutiny as to its requirements and therefore information provided will second guess what is required. Or due to officers being reluctant to provide a bespoke product as scrutiny may not give it a decent hearing and the effort feels wasted. Either way a clearer understanding between officers and scrutiny on the necessary information, format and presentation would be very helpful. It may often reduce the time and effort required in preparation as smaller, more simple reports or simply a Q&A session with the Cabinet member might meet the needs of scrutiny.
- 2.4.3** We commonly hear the accusation that members do not read reports in advance of meetings. Some Slough scrutiny councillors are also clearly guilty of this. Members were observed asking questions which had already been asked and answered and repeatedly coming back to topics that had been discussed at previous meetings but were not on that meeting’s agenda. We saw evidence of these behaviours in the webcasts of previous scrutiny meetings.

2.5 Impact

- 2.5.1** There appeared to be no structured or planned way for senior scrutiny members and the Cabinet members to meet to discuss how greater collaborative work could

increase the quality of scrutiny and assist the Cabinet in its work. We were advised that some informal conversations took place, which is a good start.

- 2.5.2** A regular, perhaps quarterly, meeting to discuss work programming, policy development and future key decisions would greatly help the usefulness and impact of scrutiny.
- 2.5.3** Members are able to reference pieces of scrutiny work which they felt had been constructive and useful. These included task & finish work on food poverty, homelessness and making Slough more disabled-friendly. We also reviewed these pieces of work and concur. Members involved in these T&F groups were uncertain and some felt disappointed that their work and recommendations to Cabinet had not received a reply or felt that they had not had any noticeable impact.
- 2.5.4** We note that these pieces of work did go through the council's formal process and the recommendations were accepted. We also noted that some members who were involved in the task groups were unaware of the subsequent stages of their report and potential impact. We would like to therefore suggest that the tracking, communication and reporting of task and committee work is considered and improved where necessary.

2.6 Focus

- 2.6.1** In general members and officers did not feel that scrutiny work programming was meeting their needs and, more importantly, the needs of the council and residents. More time and attention by members plan the work programme and to ensure that this was focused, priorities and aligned with the Council's mission and key deliverables. This would help scrutiny to play a more productive, valuable and impactful role.
- 2.6.2** Our assessment of scrutiny work programming in Slough is that this is an area that requires significant and urgent strengthening.
- 2.6.3** Given the current situation we would expect work programmes to be revisited and realigned to focus on the key priorities for the council, especially and almost exclusively the recovery and improvement plans, its immediate and medium-term budget strategy and implications for critical areas of council services. We could not find any obviously identifiable golden thread connecting scrutiny with the council's corporate challenge and suggest that this is therefore a critical and immediate area for scrutiny development.
- 2.6.4** During our observation of scrutiny committee webcasts we were surprised by the often-used "Rule 30" which enables any member of the council to attend and speak at any committee meeting. Although this was at the discretion of the chair, and it can perhaps be argued how this might - in exceptional cases - be very useful, the regular use and perhaps misuse of such constitutional 'favour' is quite unusual and could become a source of unhelpful disruption. Especially since the way it is interpreted and exercised appears often inconsistent.
- 2.6.5** In general, we felt that member conduct was largely good. Yet, there are instances where behavioural aspects and mutual respect could be improved. Examples we observed include: members persistently making a point to officers in a tone which

could be described as aggressive; members leaving a meeting suddenly; chairs pointing out poor behaviour of some members but not others during the same meeting. This type of behaviour results in meetings becoming unfocussed and the overall impact of scrutiny being considerably diminished.

2.7 Structure

- 2.7.1** Most, but not all, members and officers expressed some satisfaction with the recent changes to the structure of the scrutiny committees (one “main” scrutiny, three panels). There is a perceived difference in the relative status of these committees (expressed in the responsibility allowances and therefore the time, effort and complexity of the input expected from chairs), which may lead to a disparity in the attractiveness of the roles and influence member ambitions to fill them.
- 2.7.2** Conversations about pre-meetings were mixed. Some officers and members revealed a keenness for pre-meetings to take place, with just chair, vice chair and relevant officers in attendance, while others believed that pre-meetings should involve all committee members. Formally introducing pre-meetings will have obvious resource implications.
- 2.7.3** Scrutiny could benefit from more coordination and management of the scrutiny process from members. There are currently four committees (one committee, three panels) with nine members on each (total 36 seats, currently filled by 24 members). Relative to the total size of the council this could be streamlined further, especially in light of the priorities of the council now focused on its recovery.
- 2.7.4** Some members, who were interviewed, expressed that they felt that they served on too many committees. Members suggested that it was too much work to become sufficiently updated with the subject matter across all of these committees. Is there a potential to overload with detail rather than be streamlined and strategic?
- 2.7.5** Consideration should be given to the role of committees and their focus and productivity, especially in the present context of extensive change and challenge. We would therefore suggest that more be achieved with less. In the current circumstances we would strongly recommend that scrutiny is repurposed and becomes laser-focused on the crucial corporate priorities for the council. ‘Traditional’ multi-committee structures should be replaced, for as long as necessary, with a single, smaller, targeted and well-resourced Corporate Scrutiny Committee supported by up to 3 task and finish groups at any one time.
- 2.7.6** CfGS has observed this to work well in other challenged councils in the past, notably Northamptonshire County Council, where a single scrutiny committee worked effectively for several years to support the council’s financial survival strategy.

3. Recommendations for improvement

- 3.1 To be effective scrutiny needs to be repurposed to fully align and integrate into the corporate plans for recovery. We therefore recommend that the scrutiny function will need to align its work closely to the finance, budget and commercial challenges that confront the Council, which will inevitably affect the way services are delivered within a tighter financial envelope, and to the risks that achieving this at sufficient pace can introduce.
- 3.2 We strongly recommend that the structure of the scrutiny function moves to a single Corporate Improvement Scrutiny Committee (CISC) and that its work programme and agendas are exclusively focused on the priority areas of council recovery plan, finance and improvement.
- 3.3 The Corporate Improvement Scrutiny Committee should meet on a monthly basis and its agenda should not exceed two substantive items which should both relate to the improvement plan. The CISC chair and vice chair should also meet on a regular monthly basis with the Leader and necessary officers to discuss and align the business of scrutiny with council priorities and recovery plans. The Council's chief executive may also join these meetings.
- 3.4 This Committee would benefit from a Chair and Vice Chair selected for their skills and experience. Both should receive immediate intensive 1-2-1 training and development support. And, given the additional workload and responsibility of the position of Chair and Vice Chair, the special responsibility allowance could be reviewed and set at an appropriate level.
- 3.5 We recommend that up to three task and finish panels be arranged at any one time to explore areas that link to the core work of the CISC or to other areas agreed by that committee as mission critical, high risk or supporting improvement. The panels should be politically proportionate where practicable, and membership should be drawn from non-executive-office-holding members.
- 3.6 Task & Finish groups should work to an agreed, well scoped and designed project plan which is time limited. Our suggestion would be a lifespan of 3 months or less and that a maximum total of 3 projects are live at any time. These groups should not assume that they are constantly active, but are driven by the clear objective of supporting council priorities. They should avoid mission drift into areas of member, or specific community, interest.
- 3.7 To strengthen the scrutiny function, we recommend that all members and officers strive to work together, in a culture of openness, mutual respect and trust to improve decision making, scrutiny and oversight.
- 3.8 We advise that the CISC members take some ownership of its work programme and build it in collaboration with the Cabinet and senior officers.
- 3.9 We also advise that the findings and recommendations of the CISC and the Task & Finish groups are considered by cabinet members and feedback given within a reasonable timescale. The outputs of scrutiny should be seen as a useful input to policy development and key decision making, in line with intentions of the Local Government Act 2000.
- 3.10 We recommend that in addition to an intensive support package for Chairs of Scrutiny, members need to be upskilled and have greater confidence to challenge, explore and intercede. Training should focus on general scrutiny good practice, effective scrutiny of council finances and acquiring analytical and

questioning techniques. In addition, political awareness training should be proactively provided for all senior officers and any officers who interact with scrutiny.

3.11 We would also advise that Cabinet members receive training on working with, and getting the best from, a collaborative relationship with scrutiny.

3.12 We advise that a review of the process for signing off papers be conducted to ensure that it is proportionate, supports their timely distribution and transparency. The introduction of pre-meetings before formal committee between all scrutiny members is also recommended to provide the space to identify priorities and agree questioning strategies.

3.13 We recommend that the Chief Executive should review the officer resource given to scrutiny to ensure that it is sufficiently senior and has the capacity to give the support members need, increasing that resource if necessary. We strongly advise that for scrutiny to play a full and active role in democratic accountability and supporting the council's critical improvement plans that it will require adequate support and expertise.

4. Action planning – Member workshop

4.1 As part of this review CfGS offer a member workshop which is a key part of the Scrutiny Improvement Review. This would be a CfGS-facilitated session to feed back the findings and recommendations of the review and to work with members to consider how they can play an active role in designing and implementing plans for improvement to the scrutiny process.

Thank you and acknowledgements

We would like to thank the Chairs and Vice Chairs and Members of the council's Scrutiny Committees, the Leader, Cabinet Members and Officers who took part in interviews for their time, insights and open views.

Yours sincerely

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APPENDIX B - Scrutiny Improvement Action Plan

Update – 3 November 2022

Actions

The actions proposed below, in addition to the actions already completed and reported in the appendix, are designed to primarily address the following Directions:

3.c. “An action plan to achieve improvements in relation to the proper functioning of the scrutiny function, to include a review of the Authority’s strategic risk register to make it fit for purpose”

And to assist with addressing the following Directions:

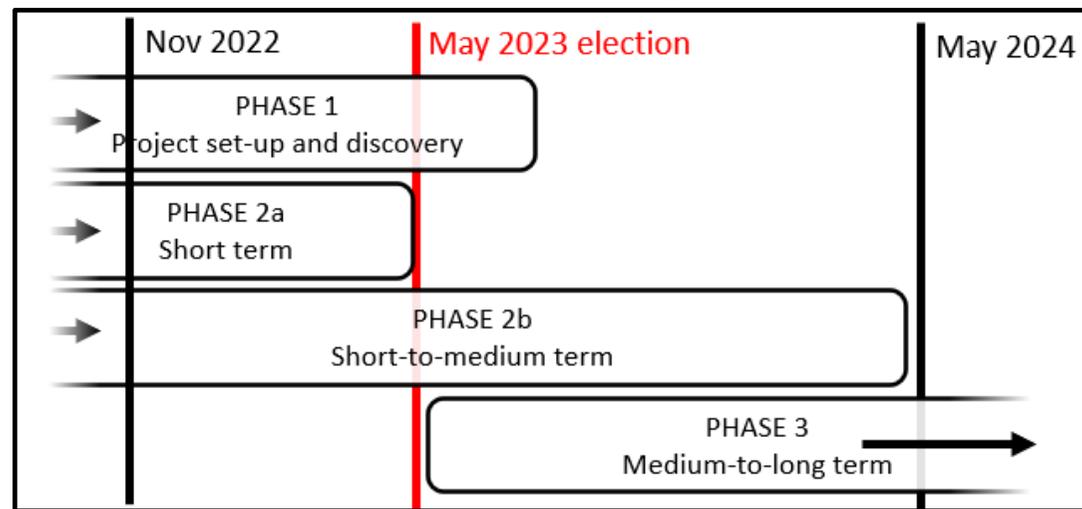
3.b. “An action plan to achieve improvements in relation to the proper functioning of democratic services [understood to mean ‘democratic governance as a whole’], to include rapid training for council officers, a revised term of reference for the Audit and Corporate Governance Committee, and the agreement of an Annual Governance Statement for 2020-21.”

5. “In the first six months devise and then implement a programme of cultural change to rebuild trust between officers and members, to the satisfaction of the Commissioners. This should make sure both Members and Officers understand the scale of the challenge and their respective roles in driving improvement and the way in which the Authority and its activities are regulated and governed and the way in which this is monitored, and breaches rectified.”

7. “In the first six months take steps to enable better and evidence-based decision making, including enhancing the data and insight functions to enable better evidence-based decision making.”

Timescales

Full project and resource planning will be part of phase 1. Until this is complete, the timescales given are broad and indicative. All phases are expected to overlap.



No.	Headline Action	Detailed actions	Action Owner	Indicative timescale/priority of future actions
1.	Set up project management and reporting arrangements	<ul style="list-style-type: none"> • Align plan, materials and reporting with whole-council approach to recovery action planning and reporting • Seek programme/project management resource • Create informal 'Democratic Governance Improvement Group' chaired by Monitoring Officer, populated by key governance roles across the council and action owners from this plan, to collaborate on, oversee and propel delivery of this plan • Assess baseline and benchmark via eg survey of staff and members 	Monitoring Officer	PHASE 1
2.	Respond to CfGS review in relation to reorganising scrutiny arrangements	<p>Action to date:</p> <ul style="list-style-type: none"> • <i>Commissioned Centre for Governance and Scrutiny to undertake a review of scrutiny function.</i> <ul style="list-style-type: none"> ○ <i>Draft report received and reviewed at officer level, initial actions taken eg training based on draft findings</i> • <i>Member training delivered based on early draft findings</i> <p>Next steps:</p> <ul style="list-style-type: none"> • Publish the CfGS report and linked officer report • Establish which member/s will lead on the development of the scrutiny function • Work with members to review and develop these proposals for Slough, bringing a report to Full Council as necessary for any associated constitutional changes. • Implement changes as soon as possible – eg from January 2023 if practicable, in order to address current issues asap and to build momentum and good practice in advance of election and induction in May 2023. • Key CfGS recommendations: <ul style="list-style-type: none"> ○ move to a single, monthly Corporate Improvement Scrutiny Committee (CISC) <ul style="list-style-type: none"> ▪ work programme and agendas... exclusively focused on the priority areas of council recovery plan, finance and improvement ▪ agenda should not exceed two substantive items which should both relate to the improvement plan. 	Monitoring Officer / Statutory Scrutiny Officer	<p>PHASE 1</p> <p>PHASE 1</p> <p>PHASE 2a</p> <p>PHASE 2a</p>

No.	Headline Action	Detailed actions	Action Owner	Indicative timescale/priority of future actions
		<ul style="list-style-type: none"> ▪ Commissions up to 3 time-limited T&Fs at once, clearly aligned to council priorities. ○ CISC chair and vice chair should also meet on a regular monthly basis with the Leader and necessary officers to discuss and align the business of scrutiny with council priorities and recovery plans ○ Scrutiny training for chairs and all scrutiny members to focus on general scrutiny good practice, effective scrutiny of council finances and acquiring analytical and questioning techniques. ○ political awareness training for all senior officers and any officers who interact with scrutiny. ○ Training for Cabinet Members on working with and getting the best from a collaborative relationship with scrutiny ○ review of the process for signing off papers be conducted to ensure that it is proportionate, supports their timely distribution and transparency ○ introduce pre-meetings before formal committee between all scrutiny members to provide the space to identify priorities and agree questioning strategies ○ Chief Executive should review the officer resource given to scrutiny to ensure that it is sufficiently senior and has the capacity to give the support members need, increasing that resource if necessary ○ Hold CfGS-facilitated session with members to action plan from the findings of the review. 		
3.	Formulate a cohesive work programme for scrutiny, tightly focused on scrutiny of the council's plans for financial and organisational recovery and progress against those plans.	<p>Action to date:</p> <ul style="list-style-type: none"> • <i>Work programming events held in-year with officer and member involvement</i> <p>Next steps:</p> <ul style="list-style-type: none"> • Formulate a cohesive work programme for scrutiny, tightly focused on scrutiny of the council's plans for financial and organisational recovery and progress against those plans, in line with the CfGS recommendations. 	Monitoring Officer / Statutory Scrutiny Officer	PHASE 2a

No.	Headline Action	Detailed actions	Action Owner	Indicative timescale/priority of future actions
4.	Re-instate regular all-member briefings outside of formal committee settings	<ul style="list-style-type: none"> • Propose regular programme of ‘all-member scrutiny briefings’ to improve all members’ knowledge and connection to the business of the council, increase scrutiny bandwidth and take ‘for information/learning’ items out of committee setting allowing better prioritisation of impactful items. <ul style="list-style-type: none"> ○ Populate forward plan of briefing items ○ List briefings in Corporate Schedule and alongside scrutiny work programmes, for visibility and ownership by senior officers and members ○ Create programme of 10-minute bitesize learning sessions at the outset of each 20 min briefing, with 30 mins for questions ○ Create library of those sessions which can be recorded for the benefit of members not able to attend 	Monitoring Officer / Statutory Scrutiny Officer	PHASE 2a
5.	Elevate and support the role of the Chair of Overview & Scrutiny	<ul style="list-style-type: none"> • Provide the Chair of O&S with proper internal and external support for the role including an LGA-provided mentor and regular meetings with Statutory Scrutiny Officer and lead officers. • Review the Special Responsibility Allowance attracted by the Scrutiny Chair position and other scrutiny lead roles, via an Independent Remuneration Panel 	Monitoring Officer / Statutory Scrutiny Officer	PHASE 2a
6.	Improved mechanisms for holding Cabinet Members to account	<ul style="list-style-type: none"> • Review strength of cabinet connections with scrutiny eg regularity of attendance, opportunities for portfolio updates etc (perhaps via new all-member briefings) • Cabinet Members to be expected to attend and front items at scrutiny relating to their portfolio areas, rather than just officers 	Monitoring Officer / Statutory Scrutiny Officer	PHASE 2a
7.	Recruit resource to vacancies in Democratic Services and Scrutiny	<p>Action to date:</p> <ul style="list-style-type: none"> • <i>Recruitment of interim head of governance and statutory scrutiny officer.</i> • <i>Business Case approved for recruitment to reinstated scrutiny role</i> <p>Next Steps:</p> <ul style="list-style-type: none"> • Recruit to some of the scrutiny and democratic services vacancies, taking account of the very challenging budget reductions required over the coming years. 	Monitoring Officer / Statutory Scrutiny Officer	PHASE 1

No.	Headline Action	Detailed actions	Action Owner	Indicative timescale/priority of future actions
11.	Review constitution re: scrutiny rules and practice, including call-in	<ul style="list-style-type: none"> Review constitution re: scrutiny rules and practice, including call-in 		PHASE 2a
12.	Improve overall support for Scrutiny Members to continuously improve effectiveness of scrutiny	<p>Action to date:</p> <ul style="list-style-type: none"> <i>[see elsewhere – training and induction programme for scrutiny members]</i> <p>Next steps:</p> <ul style="list-style-type: none"> [see elsewhere – training and induction programme for scrutiny members] Offer intensive officer support of O&S Chair including regular meetings with the scrutiny officer With the support of CfGS, empower scrutiny members to self-evaluate their performance in committee and plan steps towards further improvement. Implement system of pre-meetings with facilitated identification of key lines of inquiry for key items 	Monitoring Officer / Statutory Scrutiny Officer	PHASE 2a & 2b