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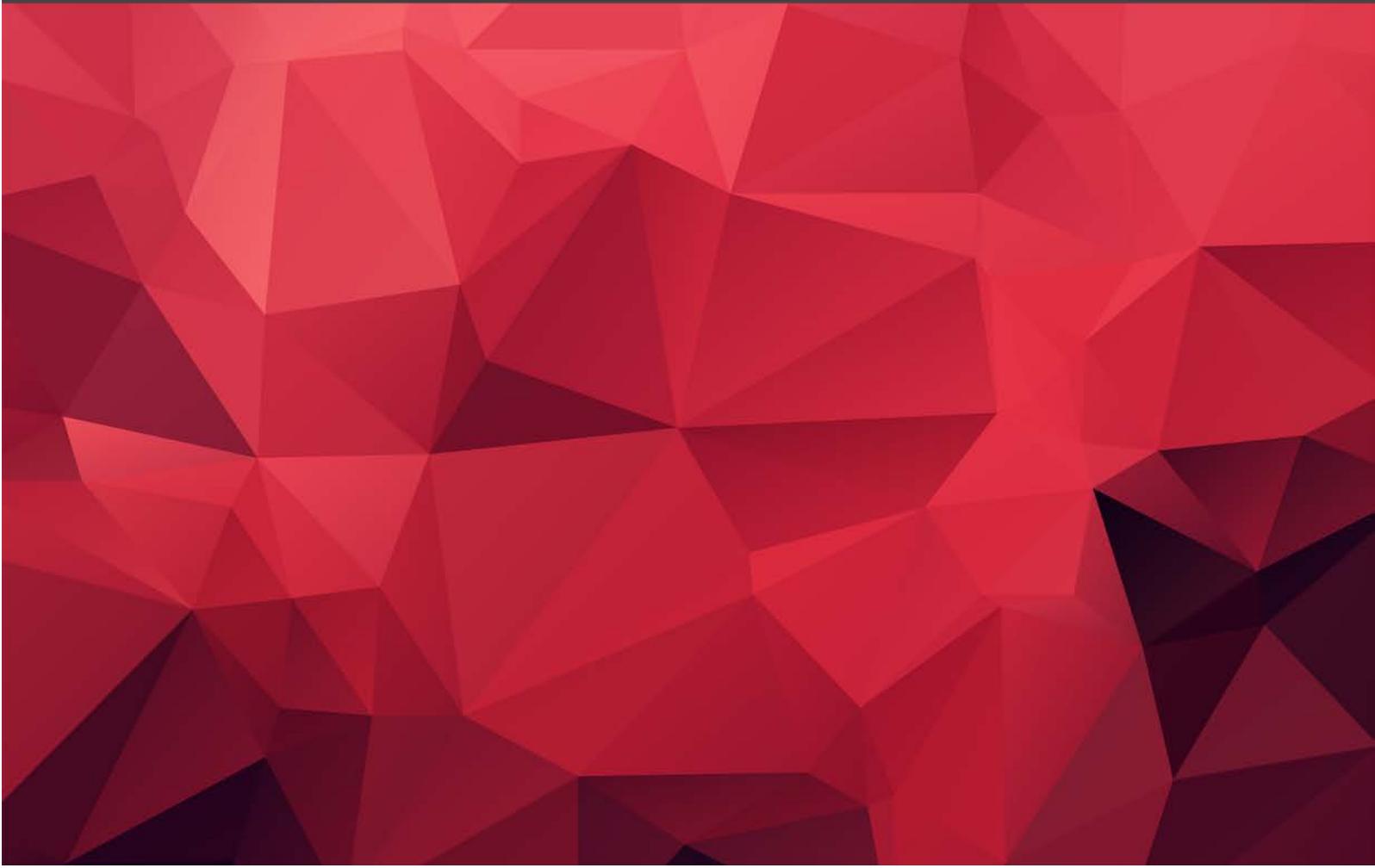
Archwilydd Cyffredinol Cymru
Auditor General for Wales

Overview and Scrutiny – Fit For the Future? – **Torfaen County Borough Council**

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Mae'r ddogfen hon hefyd ar gael yn Gymraeg. This document is also available in Welsh.

The team who delivered the work comprised Rachel Harries, Allison Rees, and Gareth Jones, programme managed by Non Jenkins under the direction of Huw Rees.

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Detailed report

Summary

- 1 This review explored with each of the 22 councils in Wales how 'fit for the future' their scrutiny functions are. We considered how councils are responding to current challenges, including the Wellbeing of Future Generations Act 2015 (WFG Act) in relation to their scrutiny activity, as well as how councils are beginning to undertake scrutiny of Public Service Boards (PSBs). We also examined how well placed councils are to respond to future challenges such as continued pressure on public finances and the possible move towards more regional working between local authorities.
- 2 As part of this review we also reviewed the progress that councils have made in addressing the recommendations of our earlier National Improvement Study **Good Scrutiny? Good Question?** (May 2014) (see [Appendix 2](#)). We also followed up on the proposals for improvement relevant to scrutiny that we issued in local reports including those issued to councils as part of our 2016-17 thematic reviews of Savings Planning and Governance Arrangements for Determining Significant Service Changes.
- 3 Our review aimed to:
 - identify approaches to embedding the sustainable development principle into scrutiny processes and practices to inform practice sharing and future work of the Auditor General in relation to the WFG Act;
 - provide assurance that scrutiny functions are well placed to respond to current and future challenges and expectations;
 - help to embed effective scrutiny by elected members from the start of the new electoral cycle; and
 - provide insight into how well councils have responded to the findings of our previous Scrutiny Improvement Study.
- 4 To inform our findings we based our review methodology around the Outcomes and Characteristics for Effective Local Government Overview and Scrutiny that were developed and agreed by scrutiny stakeholders in Wales following our previous National Improvement Study **Good Scrutiny? Good Question?** (see [Appendix 1](#)).
- 5 In January 2018 we undertook our fieldwork for this review to understand Torfaen County Borough Council's (the Council) current scrutiny arrangements and in particular how the Council is approaching and intends to respond to the challenges identified above.
- 6 We concluded that the Council values its overview and scrutiny function which is well supported by officers, but clarifying roles and strengthening approaches to work planning will make the function better placed to respond to future challenges. We came to this conclusion because:

- a. The Council values scrutiny, and member attendance at committee meetings has improved, though there is some confusion about the role of Executive Members, and scrutiny members would benefit from receiving more comprehensive information;
- b. Scrutiny committee meetings are well conducted but more timely and focused work planning would help committees to have more consistent impact; and
- c. The Council has arrangements in place to monitor the impact of scrutiny activity, however impacts are not always clear.

Proposals for improvement

- 7 The table below contains our proposals for ways in which the Council could improve the effectiveness of its overview and scrutiny function to make it better placed to meet current and future challenges.

Exhibit 1: proposals for improvement

Proposals for improvement	
P1	The Council should ensure improved coordination of the work of overview and scrutiny committees and Cabinet by: <ul style="list-style-type: none"> a) Clarifying the role of Cabinet members in overview and scrutiny committees b) More closely aligning the work programmes of overview and scrutiny committees with that of the Cabinet to enable the committees to have greater impact in considering proposed decisions and policies.
P2	Overview and scrutiny committees should ensure that the Well-being of Future Generations Act is actively considered as part of their approach to undertaking scrutiny activity.
P3	The Council should ensure that members of overview and scrutiny committees have access to comprehensive and timely information when undertaking scrutiny activity.
P4	The Council should put in place arrangements for more clearly assessing the effectiveness and impact of overview and scrutiny activity.

The Council values its overview and scrutiny function which is well supported by officers, but clarifying roles and strengthening approaches to work planning will make the function better placed to respond to future challenges

The Council values scrutiny, and member attendance at committee meetings has improved, though there is some confusion about the role of Executive Members, and scrutiny members would benefit from receiving more comprehensive information

- 8 We consistently heard from members and officers that scrutiny is valued and has an important role in the Council's decision-making process.
- 9 Members' attendance at meetings, which had been an issue prior to the 2017 election, has improved. This is positive especially given one third of the Council's current Members were elected to the Council for the first time in 2017.
- 10 The Council provided induction training, including training for scrutiny members, which was generally well received by members. Each session was offered twice, at 10am or 5pm, to ensure that members with other commitments had the opportunity to attend. Members identified that they needed further training in scrutiny skills and, in January 2018, the Council commissioned additional training for all non-executive members and for scrutiny chairs.
- 11 The Council's weekly members' seminars provide information to members on a range of topics that members felt were relevant to their forthcoming scrutiny work.
- 12 Members have dedicated scrutiny officer support from a team who also support the Council's performance and improvement processes. We found that members had a positive view of the scrutiny officer support arrangements.
- 13 Scrutiny members are involved in budget setting through the Council's annual Cross-Cutting Resources and Business Overview and Scrutiny Committee Budget Workshop, which they are positive about. However, members could receive more relevant information in order to be more effective in their scrutiny of budget proposals. For example, at the Budget Workshop we observed in January 2018, members did not receive the wellbeing assessments that officers had prepared to accompany savings proposals. This limits the opportunity for scrutiny members to consider the anticipated impact of individual budget proposals, and to take a holistic view of budget.

- 14 Members could be provided with an overall budget figure for each directorate, so that they have a fully informed view of the relative significance of different proposals. This would help to alleviate the risks of members focussing a lot of their time on relatively low-cost proposals. For example, members spent a long time discussing a £35k proposal to stop providing food caddy liners. There was however limited discussion of another proposal (due to details not being fully developed), which was to deliver £397k of savings that had been identified but not delivered in 2017-18.
- 15 At the Budget Workshop, members were advised that if they disagreed with a particular savings proposal, they must provide an alternative method of making the saving. We saw that members rejected a small number of the savings proposals but did not suggest any alternative ways of finding those proposals. The Council could do more to ensure that members receive the necessary information, such as a range of options that would allow them to better challenge and propose alternative ways of achieving the proposed savings.
- 16 The Council's Executive (Cabinet) members attend scrutiny committee meetings by invitation only, although in practice, they are not always invited. We understand that Executive members are invited 'by exception,' and are not routinely held to account at scrutiny committees. As a consequence, officers are usually questioned on issues which are the responsibility of Executive members, such as decisions, policies or service performance.¹ This blurs lines of accountability. This also suggests there is a need for the Council to ensure that Cabinet, scrutiny committee members and Council officers understand and play their respective roles as part of the scrutiny process.

Scrutiny committee meetings are well conducted, but more timely and focused work planning would help committees to have more consistent impact

- 17 The Council has an annual process in place to identify topics for consideration by scrutiny committees. However, outside this annual exercise, it is unclear what criteria committees use to decide when an item should be considered.

¹ "Overview and scrutiny committees are able to require officers to attend to answer questions about, and discuss the discharge of executive or non-executive functions. The executive and overview and scrutiny committees should always bear in mind that it is for the elected executive to answer questions about its policies and decisions. When officers appear to answer questions, their contribution should, as far as possible, be confined to questions of fact and explanation relating to policies and decisions....." National Assembly for Wales, Guidance For County And County Borough Councils In Wales On Executive And Alternative Arrangements 2006, July 2006, Paragraph 2.4.4

- 18 To plan scrutiny committee activity for the year, each committee takes part in an annual 'visioning' exercise to agree the items to be scrutinised during the forthcoming year. At this point the selected topics are not allocated to a specific meeting date. The Council refers to this list as the committee's 'basket' of issues.
- 19 At the end of each scrutiny committee meeting, the agenda item for the next meeting is selected from the 'basket'. Typically, only one item is considered per meeting, so each committee would usually consider no more than seven items over the course of a year. This approach means that the committee has the opportunity to focus on the single item under consideration, while limiting the number of issues that scrutiny can prioritise to consider annually.
- 20 The links between the scrutiny work programme and the wider work of the Council and Executive members are not very clear. Currently each Executive member publishes a separate forward work programme. However, the Council does not publish a single joint overall Cabinet forward work programme. The Council could consider publishing an integrated forward work programme so that scrutiny members and members, members of the public and other stakeholders can more easily understand when Cabinet will make decisions. Scrutiny committees could then use that information to consider the best time for them to consider issues prior to Cabinet decisions.
- 21 There is a risk that by not considering opportunities to align scrutiny committee and cabinet work programmes, scrutiny involvement in the decision and policy making process is not always timed to best influence policy-development and decision-making to achieve best impact. For example, in December 2017, the Cleaner Communities Overview and Scrutiny Committee considered preparation of Torfaen's Tree Strategy. The report presented to the Committee clearly set out that the purpose of the meeting was to assist in policy development rather than to scrutinise the proposed strategy, as no strategy had yet been drafted. Whilst assisting in policy development is an appropriate activity for the scrutiny committee to undertake, the service area had not provided a timescale for drafting a strategy and no date had been set for Cabinet to make a decision on the issue. As such it was not clear why scrutiny prioritised it to be discussed at this particular meeting, and what impact the Committee could have had on the development of the policy.
- 22 The same Committee considered the Waste Strategy in February 2018. Again, the Committee's involvement predated the drafting of a strategy document. The Committee was presented with a series of options, but none had been costed or had an impact assessment at this early stage, so the committee gave an opinion on their preferred options but this was not based on any data, evidence or a balanced appraisal of each option.
- 23 The Council's Scrutiny Guide says that 'it is anticipated that the Chairs (of scrutiny) will meet regularly with their respective Executive Member(s)' in order to exchange views and information about the service area and to

- discuss decisions and policies that may have an impact on the scrutiny committee's work programme. In practice, the picture is mixed with some Scrutiny chairs having met with their Executive Member and some not. Chairs and Executive members emphasised to us that there was no barrier to this and Chairs felt able to approach officers and executive members if necessary.
- 24 We heard from Executive members how they did not want to unduly influence the scrutiny committees' work programmes as they valued the committees' independence. Our view is that the culture and arrangements in Torfaen are mature enough to safeguard from such discussions between Scrutiny Chairs and their Executive member undermining the scrutiny function's independence.
- 25 The scrutiny committee meetings we observed were generally well organised. Members had planned their questions at a pre-meeting, usually held a few days in advance of the meeting, and also asked additional and supplementary questions. At the end of each meeting, after invitees had left, the committees took time to discuss and formulate recommendations which ensured there was a clear output from the meetings.
- 26 Although overview and scrutiny committee meetings are well organised, we found there is an opportunity for committees to give greater consideration to the way in which they choose to scrutinise topics, and how they might gather evidence from a range of sources, to strengthen the evidence base upon which their findings are based. In common with many scrutiny functions across Wales, scrutiny activity in Torfaen is largely focused around committee meetings with the method of scrutiny being to receive an officer report for each item. We heard from members of instances in the past where expert witnesses had attended committee meetings, and we observed an expert witness in attendance at one meeting. We also saw evidence that some members had looked at other sources in addition to the papers provided in order to inform their questioning, but scrutiny committees do not always consider alternative approaches to gathering evidence.
- 27 We saw that scrutiny committee meetings are publicised on the Council's social media accounts and a selection of public comments are then read out at the relevant committee meeting. Using social media to engage with the public as part of a scrutiny committee's work is particularly positive and the Council could consider how to make more effective use of the public's comments in their discussions and when developing recommendations. The Council acknowledges that public engagement with scrutiny is an area to develop, and is considering how it could make better use of its established citizens' panel'
- 28 The Council should consider how scrutiny committees could engage in a broader dialogue with local communities including in relation to topic selection, and in gaining their views outside of committee meetings.

The Council has arrangements in place to monitor the impact of scrutiny activity, however impacts are not always clear.

- 29 Following our Good Scrutiny, Good Question study, the Council developed an Improvement action plan which was reported to its Audit Committee. In January 2016 the Audit Committee agreed that the actions in the plan had been completed and there was no need to report further. The Council continues to proactively identify and address incremental improvements to the scrutiny function on an ongoing basis, but the Council could consider undertaking a wholesale internal evaluation of the effectiveness of the scrutiny function to evaluate its preparedness to meet future challenges.
- 30 Scrutiny chairs produce an annual report which provides an overview of the work of each committee. The report could provide greater insight into the impact that each Committee has had, as well as the future issues and areas for development that the Committee may consider necessary.
- 31 The Council's Improvement and Scrutiny Team plan for 2018-19 says that the Council will train and support members and report authors to develop scrutiny arrangements and that they will support the Scrutiny Chairs to produce the annual scrutiny report. The Team plan also says that the team will introduce some new performance measures, such as the percentage of Scrutiny recommendations accepted and acted upon by Cabinet/Council, and the percentage of scrutiny members who feel well supported by the scrutiny team. The Council could helpfully outline how it intends to use the new performance measures to influence current practice or future changes, to further improve the scrutiny function and its impact.
- 32 The Council was able to provide us with some examples where overview and scrutiny committees have had an impact. We heard from members and officers that the schools' standards monitoring sub-committee, where the head teacher and the Chair of the Board of Governors are invited to discuss their school's performance, is having a positive impact. We also heard that scrutiny had been involved in the decision-making process to introduce skinny bins, with the result that a potentially unpopular change had been implemented relatively smoothly.
- 33 However, the impact of scrutiny activity could be clearer. For example, we observed an instance where the purpose of scrutinising an item was unclear because the Council had little control over what was a national policy and therefore the extent of its impact in considering the issue was very limited. As noted earlier in this report, we also observed two instances where the role of scrutiny committees appeared unclear as committees were engaged at a very early stage of the policy development process, so there was little in the way of concrete proposals for them to consider and evaluate, minimising the impact they can have.

- 34 The overview and scrutiny committees have a well-established and embedded formal process in place to track recommendations. This takes the form of an impact report for each committee which is updated annually. A recommendation is only removed from the report when it has been fully implemented and its impact assessed.
- 35 Within the impact reports there are some positive examples of clear recommendations that have been successfully addressed, although the report could be more specific about the outcomes that result from scrutiny's recommendations and could ensure that the link between the actions described in the report and the recommendation are clear.
- 36 Often the involvement of any scrutiny function in decision making takes place as part of a wider programme of change, so it is typically difficult for it to identify whether outcomes have occurred specifically because of scrutiny's input and intervention. To help, whilst the Council's scrutiny impact reports describe service changes, the Council could highlight the impact of the changes on service users more clearly.
- 37 The Council recognises potential future challenges for scrutiny including the possibility of increased regional working. For example, officers were aware of some of the practical and cultural challenges associated with regional scrutiny. Officers acknowledge that over time their arrangements may need to change, but they are not currently at the point where they are in a position to make changes. The Council should consider how it could usefully learn from its PSB scrutiny to inform these changes. The Council also recognises that consideration of the sustainable development principle, as set out in the Well-being of Future Generations (Wales) Act 2015 is yet to be fully embedded in scrutiny activity.

Appendix 1

Outcomes and characteristics for effective local government overview and scrutiny

Exhibit 2: outcomes and characteristics for effective local government overview and scrutiny

Outcomes	Characteristics
What does good scrutiny seek to achieve?	What would it look like? How could we recognise it?
1. Democratic accountability drives improvement in public services. 'Better Services'	Environment i) Scrutiny has a clearly defined and valued role in the council's improvement arrangements. ii) Scrutiny has the dedicated officer support it needs from officers who are able to undertake independent research effectively, and provide Scrutiny members with high-quality analysis, advice and training. Practice iii) Overview and Scrutiny inquiries are non-political, methodologically sound and incorporate a wide range of evidence and perspectives. Impact iv) Overview and scrutiny regularly engages in evidence based challenge of decision makers and service providers. v) Scrutiny provides viable and well evidenced solutions to recognised problems.

Outcomes	Characteristics
<p>What does good scrutiny seek to achieve?</p>	<p>What would it look like? How could we recognise it?</p>
<p>2. Democratic decision making is accountable, inclusive and robust. 'Better decisions'</p>	<p>Environment</p> <ul style="list-style-type: none"> i) Scrutiny councillors have the training and development opportunities they need to undertake their role effectively. ii) The process receives effective support from the Council's Corporate Management Team which ensures that information provided to scrutiny is of high quality and is provided in a timely and consistent manner. <p>Practice</p> <ul style="list-style-type: none"> iii) Scrutiny is Member led and has 'ownership' of its work programme taking into account the views of the public, partners and regulators whilst balancing between prioritising community concerns against issues of strategic risk and importance. iv) Stakeholders have the ability to contribute to the development and delivery of scrutiny forward work programmes. v) Overview and scrutiny meetings and activities are well-planned, chaired effectively and make best use of the resources available to it. <p>Impact</p> <ul style="list-style-type: none"> vi) Non-executive Members provide an evidence based check and balance to Executive decision making. vii) Decision makers give public account for themselves at scrutiny committees for their portfolio responsibilities.
<p>3. The public is engaged in democratic debate about the current and future delivery of public services.</p>	<p>Environment</p> <ul style="list-style-type: none"> i) Scrutiny is recognised by the Executive and Corporate Management team as an important council mechanism for community engagement. <p>Practice</p> <ul style="list-style-type: none"> ii) Scrutiny is characterised by effective communication to raise awareness of, and encourage participation in democratic accountability. iii) Scrutiny operates non-politically and deals effectively with sensitive political issues, tension and conflict. iv) Scrutiny builds trust and good relationships with a wide variety of internal and external stakeholders. <p>Impact</p> <ul style="list-style-type: none"> v) Overview and scrutiny enables the 'voice' of local people and communities across the area to be heard as part of decision and policy-making processes.

Appendix 2

Recommendations from the report of the Auditor General's national improvement study 'Good Scrutiny? Good Question?' (May 2014)

Exhibit 3: recommendations from **Good Scrutiny? Good Question?** Scrutiny Improvement Study

Recommendation	Responsible Partners
R1 Clarify the role of executive members and senior officers in contributing to scrutiny.	Councils, Welsh Government, Welsh Local Government Association
R2 Ensure that scrutiny members, and specifically scrutiny chairs, receive training and support to fully equip them with the skills required to undertake effective scrutiny.	Councils, Welsh Government, Welsh Local Government Association
R3 Further develop scrutiny forward work programming to : <ul style="list-style-type: none"> • provide a clear rationale for topic selection; • be more outcome focussed • ensure that the method of scrutiny is best suited to the topic area and the outcome desired; and • align scrutiny programmes with the council's performance management, self-evaluation and improvement arrangements. 	Councils
R4 Ensure that scrutiny draws effectively on the work of audit, inspection and regulation and that its activities are complementary with the work of external review bodies.	Councils, Staff of the Wales Audit Office, CSSIW, Estyn
R5 Ensure that external review bodies take account of scrutiny work programmes and the outputs of scrutiny activity, where appropriate, in planning and delivering their work.	Staff of the Wales Audit Office, CSSIW, Estyn

Recommendation	Responsible Partners
R6 Ensure that the impact of scrutiny is properly evaluated and acted upon to improve the function's effectiveness; including following up on proposed actions and examining outcomes.	Councils, Welsh Government, Welsh Local Government Association
R7 Undertake regular self-evaluation of scrutiny utilising the 'outcomes and characteristics of effective local government overview and scrutiny' developed by the Wales Overview & Scrutiny Officers' Network.	Council
R8 Implement scrutiny improvement action plans developed from the Wales Audit Office improvement study.	Councils
R9 Adopt Participation Cymru's 10 Principles for Public Engagement in improving the way scrutiny engages with the public and stakeholders.	Councils

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