Report of Independent Adviser to the Overview and Scrutiny Management Board - 1st February, 2012

Executive Summary of Issues and Recommendations

(i)   The training sessions I was engaged to deliver prior to each Panel meeting were poorly attended – but the concept of the arrangement is to be applauded.

(ii)   The remit of Panels is clear but there is the potential for duplication which needs to be managed by OS Management Board or the relevant Chairs

(iii)   The majority of your business seems to be conducted in a formal meeting setting along traditional meeting lines. Task and finish activity appears limited. **Recommend – reconsider the location of meetings relevant to their purpose and the balance of routine and task and finish review business.**

(iv)   Lack of opportunity to call executive members to account was raised as an issue but I witnessed missed opportunities in this respect. **Recommend – that Panel members be reminded of their "calling to account" role and encouraged to engage in positive, constructive but robust challenge where necessary.**

(v)   Lack of corporate buy-in was alleged and lack of clarity over which officers are available to advise Panels. **Recommend – informal consideration by OS Management Board with Chief Executive and senior management including the importance of OS as a statutory function and clarity over level of access to officers.**

(vi)   Much valuable information gained through questioning of contributors/visiting experts/professionals. In review context this information is identified in report of the review. In routine Panel business there seems to be no routine method of disseminating the information. **Recommend – OS Management Board to consider information policy related to overview and scrutiny to include media management arrangements.**

(vii)   Little evidence of robust pre-decision scrutiny through monitoring of the Executive Forward Plan (EFP) which contains limited information about key decisions only. **Recommend – that the content of the EFP be expanded to include all executive forthcoming decisions within the 4 month statutory (or extended) period and that this be available to Panel Chairs in draft form prior to publication**

(viii)   OS leadership needs to be able to respond quickly when urgent review or comment is required. **Recommend – that the OS Management Board consider what actions should be identified for Chair of Panel delegations in terms of commissioning or triggering OS intervention in cases where normal meeting cycles are inappropriate.**

(ix)   In terms of the leadership roles of the OS Management Board, these should be focused on the issues identified at para 41 of the report. It would be more appropriate for such roles to be performed outside of formal meetings and dealt with informally between leading members, the Chief Executive and senior management. **Recommend – that the OS Management Board considers conducting its functional leadership roles at informal meetings with the Chief Executive and senior management while retaining its strategic and corporate review functions within its formal arrangements.**

/full report on following pages

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Introduction and Background

1.   Following consultation with members, I was commissioned to deliver specific training sessions at the start of a number of OS Panels, followed by an objective review of the meetings I had observed and the overview and scrutiny (OS) processes of Plymouth City Council represented by those meetings. I have submitted written reports in relation to each of the Health and Adult Social Care, Support Services and Customers and Communications Panels

2.   The training sessions were not well supported and therefore, in my view, not cost effective overall for the authority. This is a pity since I believe the approach you had pursued for OS member development was both creative and practical. One of the issues impacting on this low turnout was I believe the level of substitute members turning up for the Panels rather than the core membership who had chosen the training subjects.

3.   That said, the discussions with those members who did attend gave me a clearer understanding of your processes and priorities and of the issues that concern members about their engagement in the OS process.

4.   In addition to observing the meetings/processes, I was invited to critically analyse the role of the Chair. I have submitted personal and confidential reports to each of the three Chairs whose performance I observed. I refer later in this report to general matters regarding chairing.

5.   I attended 3 Panel meetings and delivered training sessions on chairing/leadership; scoping reviews; outcome focused approach and evaluating and weighting evidence. The Children and Young People Panel and the Growth and Prosperity Panel opted not to receive the training and observation assessment.

6.   In the following paragraphs I offer my views on the structures and processes you are operating, based on evidence from members and my own experiences in the senior management and development of the overview and scrutiny function. I am a practitioner not an academic. My reflections are intended as a guide. It is of course for members of the Plymouth City Council to decide the approach and practices that best suit their needs.

Structure and Remit of Panels

7.   Plymouth City Council operates on a structure of 5 x Panels and a Management Board of members which includes the Chairs of the Panels.

8.   The Panels are:

- Children and Young People
- Health and Adult Social Care
- Growth and Prosperity
- Customer and Communication
- Support Services

9.   Looking at the agenda material for these Panels over the last few cycles, their remit in most cases is clear to the un-informed reader. Based on the meetings I attended, I would just say that there could be areas of duplication or missed opportunity in the member consideration of performance information. A specific member concern was raised at the Customer and Communications Panel but was not taken further because it was considered to be a matter for the Support Services Panel to address. That to me was a missed opportunity. There is a risk that legitimate member concerns can be overlooked in this reference process, especially if the member with the concerns is not able to voice those concerns at the other Panel. This however is not an issue unique to Plymouth. I noted from one tracking report that where potential duplication had been identified, the relevant Chairs and lead officers would discuss and identify a way forward.

10.   I appreciate that my attendance has been limited both in terms of range and duration. However, it seems that the **majority of your Council's OS business is conducted in formal meetings** with formal structured agendas and reports, rather than the more engaging task and finish review activity. I was made aware of an earlier consideration by the OS Management Board about restructuring along the lines of more task and finish activity with such groups reporting to a central OS body. Such an approach would, in my view, enable non-executive members to choose to have some involvement in the direct review of Council services and community needs, building on their individual and collective experience; knowledge and interests.

11.   Certainly in developing the member approach in Bath and North East Somerset Council I gained the support of leading members to engage members more in review activity and less in routine business management.

Venue for Meetings

12.   Reinforcing my concerns over the formality of your OS meetings, there is for me an issue over the location of Panel meetings. All meetings that I observed were held in the Warspite Room at the Civic Centre. The furniture in this room is not apparently capable of being moved and this results in a very formal set up for meetings.

13.   All of the Panels I attended questioned visiting officers, experts and members. In all cases the seating arrangement was as shown on the diagram below.
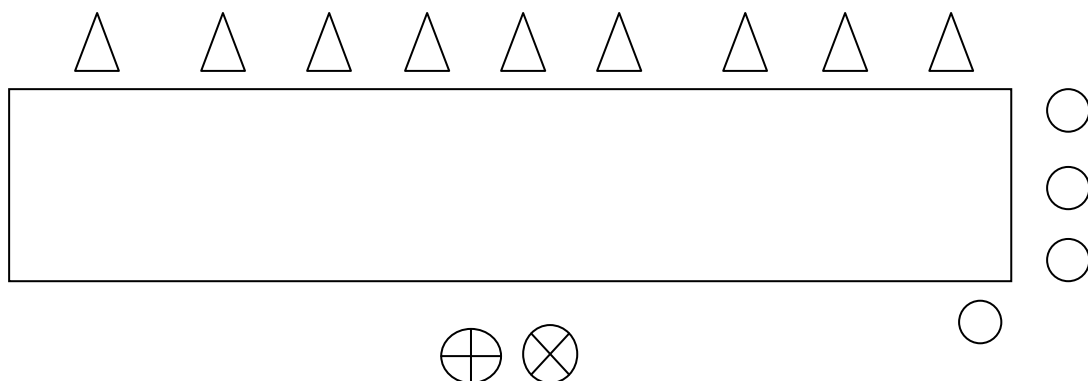
◯   = visiting members/officers/experts

△   = Panel members

⊗   = Chair

⊕   = Vice Chair

14.   The disadvantage of this arrangement is that Panel members (a) cannot easily see each other and (b) are, in the main, seated at the most extreme distance from witnesses/visitors. There is however a clear advantage for the Chair who is able to see all members and thereby manage the discussion more effectively. On more than one occasion however members commented that they could not hear what visitors (or indeed each other) were saying.

15.   Given the fixed nature of the furniture, and the desire for overview and scrutiny to be both open and engaging, I would strongly suggest that a **more suitable venue is found** in which to hold such sessions, especially when engaging with witnesses/visitors. Such a venue need not be located within the corporate HQ building and, depending on the business, may be located at specific community premises e.g. Customer and Communication Panel at Plymouth Life Centre.

Engagement with the Executive/Culture of the Council

16.   A number of members commented that they do not routinely have **access to executive members** in order to call them to account over services or decisions. Another comment related to the apparent lack of corporate buy-in to the OS function. These issues go to the heart of the culture of the Council and its approach to overview and scrutiny.

17.   There are several mechanisms for calling members and officers to account. One is the **call-in rights** of non-executive members – a process that is used sparingly and only where there is a validated case to answer over an executive decision. The call-in blocks implementation of the decision pending a time-limited review by overview and scrutiny.

18.   More common is the exercise of the right to call the Leader or relevant Cabinet Member to Panel meetings to answer questions about a particular matter or decision. In most cases the member will be accompanied by the lead officer, who incidentally may also be called before the Panel to answer questions. In some cases though, the attendance of Cabinet Members and Officers will be a routine aspect of Panel business rather than as a result of a specific request. Such co-operation between the executive and OS is to be encouraged.

19.   I was surprised to observe the **critical analysis of sickness policy and related statistics** at a meeting of the Support Services Panel. My surprise was not at the item, which was of course a perfectly legitimate issue for OS to examine. It was more at the approach of the Panel which addressed all of its questions to the professional lead officer rather than to the Cabinet Member. Some of the issues raised would in my view have been more directly relevant to the policy maker rather than the operational manager. *(I do not imply here that the Cabinet Member should have been challenged or was in any way vulnerable in his arguments or actions. It is merely an observation following the concern of members expressed beforehand that they do not get the opportunity to call executive members to account – they had the opportunity here but did not take it.).*

20.   There was a similar situation over the questioning about the Plymouth Life Centre which was in the main directed at the management team. The cabinet Member was able to give an undertaking to "continue to look at..." a matter relating to transport and this was noted. Given the concerns of the Panel I was expecting more challenge on this issue and more pressure to report back with actions.

21.   Turning to the allegation about **lack of corporate buy-in**, I believe it is vital that commitment must be shown at the highest officer levels in the Council to supporting OS which is of course a statutory function of the Council. I fully applaud the leading role that key officers played in the meetings I observed. They offered both practical advice and support and direction where required. If members feel

there is a shortfall in the level of corporate commitment then I would urge that this is addressed.

22.   My approach to this in B&NES was to discuss and agree with the Chief Executive his personal attendance at the member level management board for the OS function. His direct involvement gave a clear message to others that there was high level buy-in to, and support for, the leadership of the OS function in the same way as for executive functions.

23.   It may be that any perceived "blocking" of members' wishes by officers is not so much to do with lack of commitment but more related to their **capacity to support OS work** alongside other commitments and more acute resource levels. Had I delivered to the Management Board a session on leadership, a key message would have been your role in setting realistic work programmes that address the capacity of both members and officers to support the objectives. My key message here is that a manageable programme of OS work can add real value to the Council and the local community.

24.   A relevant issue is access by OS to the **right level of officer** advice and information. The Council needs to be clear about the rights of Panels to access strategic policy advice and information as well as high level operational information. This means that a Panel might seek the attendance of an officer at Director level or at senior operational level. In agreeing an approach for this, if one does not already exist, the Council should balance the information needs of the Panel with the right of senior officers to determine appropriate officer attendance at a Panel.

25.   A final issue in this section is about **what happens to the valuable information gathered** by the Panel through its questioning of visitors. This was particularly relevant in the questioning of health professionals at the Health and Adult Social Care Panel about aspects of the dementia care strategy and at the Customer and Communities Panel about the Plymouth Life Centre. The questioning process was very effective in both cases in clarifying aspects of the policies and approach – clarification that might be useful for both practitioners and service users. Members of the Panels now have this clarity but what happens next? Apart from the extensive minutes of the meetings, I wonder if there is any mechanism to disseminate the information within the wider Council and its associates? I would suggest that there is an opportunity to review your own communication arrangements.

26.   In both cases, it might have been more appropriate to conduct these sessions in an environment/location where greater public attendance/involvement could be encouraged.

Pre-decision scrutiny

27.   I had an interesting discussion with members about their opportunity to engage in pre-decision scrutiny. It is my belief that OS can add real value by getting involved in helping to **shape new policies and secure better decisions** but this requires early involvement. Again there is an issue of capacity but the work programme should focus on aspects where OS involvement can add value and be a worthwhile investment for members.

28.   The main mechanism for pre-decision scrutiny is the **executive forward plan**. This is published monthly and sets out, albeit in scant detail, the significant executive decisions planned over the next four months. It is a rolling programme of work. Members expressed to me their concerns that there was a failure to analyse effectively the executive forward plan.

29.   Lead members of the OS function, and by this I mean principally Chairs of Panels, need to be **monitoring** not just the published forward plan but the plan in its emerging or draft state. This must be accessible to members through your intranet arrangements and should be available well in advance of the 1st of the month formal publicity.

30.   It is for the lead members to identify from the plan opportunities where OS involvement can add value – probably by focussing on the later items in the programme that will give time and capacity for OS engagement. The selection of items from the programme should then be discussed with the relevant executive member(s) and the nature of OS involvement agreed.

31.   I believe such opportunities should form a significant consideration in setting the OS work programme and can cement **constructive working with the executive**. After all, OS is not an opposition function – it is a complementary function to executive working.

32.   To make such arrangements really effective, I would also suggest that the Council considers the **length of time covered by each executive forward plan** and the **business reflected in those plans**. There is no reason in law why a forward plan should not cover a period longer than the statutory 4 months and no reason why it should not contain an account of all known forthcoming executive business – key and non-key matters. I say this because some non-key executive business can be of some local importance but may not be of high monetary value.

Rapid response activity

33.   I have also picked up member concerns that the OS process does not have the **capability to react swiftly** to local issues of concern. This may be due in part to the legal framework surrounding formal meetings e.g. access to information requirements and your own rules about how the OS function is conducted. I stress

here I am not referring to emergency situations where the Council's civil emergency plans will be triggered.

34.   There has to be a **balance between open local government and effective local government.** There should be no circumstances in which legitimate and legal intervention by OS is constrained. The Council needs to put in place robust arrangements to facilitate this.

35.   My suggestion would be for **clear authority to be given to Panel Chairs** to instigate a relevant OS response mechanism within the remit of their Panel, without the need to convene formal meetings to launch such a response – it is the convening process that is perceived to be one cause of delay.

36.   I am not referring here about authority to commit the Council. I would consider **the following procedural steps might be delegated** to Panel Chairs to engage the relevant OS mechanisms when urgent circumstances arise. Such measures might include (a) sanctioning a task and finish group; (b) agreeing task and finish group membership and (c) bringing members together informally to consider issues - reporting into the formal and public processes at the appropriate time. Such measures will help ensure that OS remains responsive to community concerns.

The OS Work Programme and Tracking

37.   It is encouraging to see that all Panels are asked each time to track previous resolutions and references from the OS Management Board. I firmly believe that there should be some mechanism for **Panels and task and finish groups to give closure to review activity** by receiving feedback on their outcomes.

38.   The tracking reports are very comprehensive and should be used by Panels to monitor activity and progress their concerns.

39.   Similarly, Panels receive each time a schedule representing their work programme which shows the volume of activity for forthcoming meetings. There is little detail in these programme reports so the public will not know with certainty what the items will address. This might need to be addressed to make the items clearer and the information more meaningful.

40.   These work programmes are agreed at the OS Management Board. What is not clear is the point at which **capacity to deliver an effective programme** across the board is considered along with a balanced programme of issues.

41.   **The OS Management Board** has its own work programme which appears to comprise many strategic and corporate issues, including Leader/Chief Executive reports. Given this is the body which acts as the member leadership for the OS statutory function, **I would be looking for evidence that the Board**

- challenges and monitored the capacity of members to deliver effective outcomes through their programmes of work;

- resolves disputes or areas of potential duplication;

- prioritises the functional workload;

- engages in strategic liaison with the executive;

- seeks to balance (a) level of OS activity that complements the executive in delivering corporate objectives of the Council with (b) consideration of issues that are of concern to local people but where OS intervention can add value;

- engages in media management for the OS function;

- champions the OS function within the Council and outside;

- accounts to the Council for the performance of the OS function;

- setting standards expected of review leadership *(e.g. integrity of the review process; effective review chairing; member development requirements; management of the review; interaction with the public and contributors; effective questioning.)*

42.   There are two elements here – the Board's own work programme as a formal OS body addressing the more corporate and strategic issues and the functional leadership roles. I believe the latter need not (and perhaps should not) be conducted in a formal meeting setting but informally in discussion with senior management and when necessary with political leadership. In B&NES, that is how my leading members and I dealt with functional leadership – an 8 x weekly meeting of lead members, the Chief Executive and myself as lead OS officer.

Chairing

43.   As I have mentioned, each of the Chairs I observed have received from me a private review report. In general, I found there to be:

- respect for the office of chair and for the incumbent;

- good overall control of proceedings;

- effective leadership of the event;

- evidence that chairs knew what was required of the meeting and worked to deliver this; and

- effective summarising.

44.   Lead by the actions of the Chairs in all cases, there was **active listening** with members demonstrating an interest in what was being told to them and acknowledging contributions made.

Task and Finish Group Activity

45.   It is unfortunate that I have not been able to observe a task and finish group activity, especially since much of the training was directly related to review leadership and practical issues such as review scoping.

46.   This may be inaccurate (and if so I apologise), but I gained the impression that **direct review activity was limited** at the time of my involvement, and that there was some delay in kick starting one particular task and finish group on social media.

47.   I believe members are likely to gain **more added value** in their roles by participating in direct service and policy review activity, rather than traditional committee meetings. Such activity, prioritised and steered by members, will enable non-executive members to develop a fuller understanding of local issues, project and service delivery and of the community impact of policies and strategies.

48.   There does appear to be a proper process for agreeing the scope of a task and finish activity through the Board's approval of Project Initiation Documents (PIDs) and this is to be welcomed. My perception though is that the **balance of member commitment is weighted towards review by committee.**

Conclusions

49.   The level of OS activity will always be governed by the capacity of members and officers to deliver an effective programme of work. There is significant activity illustrated on the rolling work programmes – whether this is the most relevant or engaging activity for members and for the community is possibly questionable.

50.   Leadership of the function is important as is effective dialogue and liaison between OS leadership and executive leadership. I have no evidence on which to base firm conclusions as to the effectiveness of leadership and liaison but the building blocks are certainly in place for effective working.

51.   I very much appreciate the opportunity to examine and comment upon your systems and hope that the above report and my other submissions will be of some assistance to the Council in developing overview and scrutiny to maximum effect for local people and for members.

Graham Russell, Independent Local Government Adviser - January, 2012