



WALES AUDIT OFFICE
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Auditor General for Wales

Overview and Scrutiny: Fit for the future? – Rhondda Cynon Taf County Borough Council

Audit year: 2017-18

Date issued: July 2018

Document reference: 733A2018-19



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The team who delivered the work comprised Katherine Simmons, Justine Morgan and Colin Davies under the direction of Jane Holownia.

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Summary 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 (Wales) 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 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 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'.
- 5 During December 2017 and January 2018, we undertook document reviews, interviewed a small number of key officers and ran focus groups with key councillors to understand their views on Rhondda Cynon Taf 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 observed a sample of scrutiny meetings and reviewed relevant meeting documentation provided to members to support their scrutiny role, such as reports and presentations.
- 7 In this review we concluded that the overview and scrutiny function is developing, but more effective planning and evaluation of overview and scrutiny activity is

needed to ensure the function is fit for the future. We came to this conclusion because:

- the Council has increased the role of overview and scrutiny in its improvement and governance arrangements, but could strengthen support for the scrutiny function;
- the Council has improved overview and scrutiny practice, but activity is not always well-planned; and
- the Council is beginning to evaluate the effectiveness of its overview and scrutiny function, but needs to do further work to demonstrate the impact of scrutiny.

Proposals for improvement

8 **Exhibit 1** 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 review whether specific training could better prepare overview and scrutiny members to respond to current and future challenges. This could include training on Cardiff Capital Region City Deal and Well-Being of Future Generations (Wales) Act 2015.
P2	The Council should review the level and type of scrutiny support required to enable the scrutiny function to respond to current and future challenges.
P3	The Council should ensure that members have the opportunity to adequately prepare for scrutiny activity by having access to information in advance of scrutiny committee meetings.
Forward work programmes for overview and scrutiny committees:	
P4	The Council should: <ol style="list-style-type: none"> a. strengthen committee ownership of forward work programmes and committee agendas; and b. clarify and promote arrangements for adding items to forward work programmes for members and the public.
P5	The Council should improve the arrangements in place to evaluate the impact of scrutiny.

Detailed report

The Council's overview and scrutiny function is developing, but more effective planning and evaluation of overview and scrutiny activity is needed to ensure the function is fit for the future

The Council has increased the role of overview and scrutiny in its improvement and governance arrangements, but could strengthen support for the scrutiny function

- 9 In 2015 the Council agreed a revised structure for its overview and scrutiny committees. This was the first significant change to the overview and scrutiny committee structure since 2002, as the Council sought to develop a more outcome-focused approach to its arrangements. The revised and current structure is four thematic scrutiny committees and an overarching Overview and Scrutiny Committee. The Council's Constitution and the Overview and Scrutiny 2016/17 Annual Report¹ define and describe the role of the overview and scrutiny function in the Council's governance and improvement arrangements. The systematic involvement of scrutiny in monitoring the impact of service change and the regular referral of decisions for scrutiny consideration from Cabinet suggest that the role of overview and scrutiny within the Council is becoming increasingly significant.
- 10 We looked at the training and support available to scrutiny members to understand the environment in which the overview and scrutiny function operates. In June 2017 all scrutiny members were invited to a training session on 'how to make a difference' and effective questioning and listening skills. Some committees also received tailored presentations on 'achieving effective scrutiny' to support the development of their work programmes. Training is a standard item on the agenda for the Chairs and Vice Chairs meeting, scrutiny chairs have training on chairing and members described informal mentoring or development opportunities to support learning. For example, Vice Chairs have been encouraged to lead on working groups to gain chairing experience. Training on understanding the Council's budgets and performance data is provided to the Finance and Performance Scrutiny Committee, but not to the other committees. This could be a weakness in arrangements. Even though the Finance and Performance Scrutiny Committee is the main reviewer of performance information, it is likely that all scrutiny members will need to consider some performance data and would benefit from enhanced training. The Council could consider if further training linked to current and future challenges that may affect the work of scrutiny would also help to strengthen the scrutiny function. This could include specific training on Cardiff

¹ Rhondda Cynon Taff County Borough Council, **Overview and Scrutiny 2016/17 Annual Report, 2017**

Capital Region City Deal and Well-Being of Future Generations (Wales) Act 2015. Specific training was provided to support members on the Cwm Taf Public Services Board Joint Overview and Scrutiny Committee in co-ordination with Merthyr Tydfil CBC.

- 11 The Head of Democratic Services and two Democratic Services Officers currently provide dedicated support for the overview and scrutiny function. The number of support staff has reduced but the Council has reallocated responsibilities in recognition of this. Responsibility for member training now lies with the Council's Human Resources Department and the Executive and Regulatory Business Unit support regulatory committees. Officers from within Cabinet Office and Public Relations have also provided support to the overview and scrutiny function. This has sought to improve the processes for public engagement and for providing scrutiny members with details on the Cabinet work programme. In light of changes to support arrangements the Council should review the current support needs of scrutiny members and consider what support they may need in the future. Scrutiny members felt that support for overview and scrutiny was generally sufficient, but they raised concerns as to whether there would be capacity to support the scrutiny function in the context of current and future budget reductions.
- 12 Scrutiny reports generally include appropriate content. However, we saw occasions when officers provided verbal reports, or presentations which had not been included within the agenda papers issued in advance. In these instances, it would be difficult for scrutiny members to sufficiently prepare for their committee discussion, which could result in ineffective scrutiny or inefficient use of committee time.
- 13 While most scrutiny members could articulate their roles and responsibilities in relation to overview and scrutiny, some members were less clear on the purpose of the scrutiny function. Limited evidence of the impact of scrutiny, and a lack of ownership by scrutiny committees of aspects of their forward work programmes suggest the need for further clarity on what the scrutiny function seeks to achieve. In response to our National Improvement Study 'Good Scrutiny? Good Question' (May 2014), the roles of Executive members in relation to scrutiny have been agreed and incorporated into Cabinet role descriptions.² At committee meetings officers usually present reports and most questions are directed to them. However, the Council has recently adopted a system whereby Cabinet members provide quarterly updates on portfolio progress to scrutiny committees. This is a positive step in increasing accountability and provides scrutiny members with an additional opportunity to fulfil their role of holding the executive to account. Since Cabinet member portfolios do not directly align with scrutiny committee remits however, some committees have a number of Cabinet members reporting to them. There is the risk that this arrangement will have a disproportionate impact on these

² Auditor General, **National Improvement Study 'Good Scrutiny? Good Question'**, **Wales Audit Office, May 2014**

committee work programmes compared to others. For example, the Public Service Delivery, Communities, and Prosperity Committee has at least five Cabinet portfolios, which will report to it. On a practical level, it may be more difficult for these scrutiny committees and their Chairs to meet regularly with all relevant Cabinet members. Most members felt that the relationship between overview and scrutiny and Cabinet was effective.

The Council has improved overview and scrutiny practice, but activity is not always well-planned

- 14 The Council has taken steps to improve the development of scrutiny work programmes. In 2017, the first session of the Chairs and Vice Chairs group included a presentation on forward work programming by the Chair of Overview and Scrutiny. This set out external feedback on the scrutiny function, supported by principles for more effective planning and key areas for improvement. An external facilitator presented tailored sessions on developing work programmes to the Children and Young People Scrutiny Committee and the Health and Wellbeing Scrutiny Committee.
- 15 Within its remit, the Overview and Scrutiny Committee reviews thematic committees' forward work programmes to ensure efficient use of time and reduce the risk of duplication. While there are clear benefits to this approach, scrutiny members should be mindful that (as the Council's Constitution sets out), 'any Member of the Overview and Scrutiny Committee or thematic Scrutiny Committees shall be entitled to give notice to the Proper Officer that he/she wishes an item relevant to the functions of the Committee to be included on the agenda for, and be discussed at a meeting of the Committee.' We observed a session where members were not clear on how items are added to committee forward work programmes or the role of the Overview and Scrutiny Committee in these arrangements.
- 16 The Overview and Scrutiny Committee also has a role in monitoring delivery of the thematic scrutiny committee work programmes, which is achieved by chairs reporting to the committee within the year on progress to date. It is positive that the Council seeks to bring additional rigour and challenge to delivering scrutiny work programmes, but it is difficult to assess the effectiveness of these arrangements since the minutes for these items do not set out the discussion or the impact this may have had.
- 17 Although there are a number of potential strengths in the arrangements to develop forward work programmes, there are weaknesses in the way in which agendas for individual committee meetings are subsequently determined. Scrutiny Chairs expressed frustration that occasionally items were added or absent from their committee meeting agendas and they were only made aware of this when papers for the meeting were circulated. It is expected that work programmes will retain some flexibility to accommodate emerging issues or the availability of key participants, but the purpose of developing forward work programmes is to support

scrutiny committee members in undertaking well-planned and informed scrutiny. Without the active engagement of officers with Chairs and their committees on the scheduling of scrutiny items, there is risk to the effective delivery of scrutiny committee work programmes. This has the potential to undermine scrutiny committees' ownership of their own work programmes. It is important therefore, that officers have a proper understanding of the role of overview and scrutiny committees, and the arrangements that committees have adopted to determine the issues they will scrutinise.

- 18 We made two recommendations in relation to overview and scrutiny in our Good Governance when determining significant service changes review in February 2017.³ These were:
- That the Council clarify and promote the arrangements for public participation in its overview and scrutiny process in order to encourage and promote public involvement; and
 - That the Council publish its overview and scrutiny committees' forward work programme(s) as stand-alone document(s) on the Council website to increase openness and transparency.
- 19 In response to these recommendations and recognising the need to promote scrutiny activity, the Council has started to take steps to promote public involvement in its overview and scrutiny process. The Council has begun to establish a dedicated social media presence, supported by resources within the Council's corporate communications function to promote the work of scrutiny. The Council has also developed a series of scrutiny web pages, which went live in January 2018. These include links to scrutiny committee meeting papers, recent reports and a placeholder for a planned scrutiny chairs blog. The web pages are a positive step in making information relating to scrutiny activity more accessible and they include links to the scrutiny committee work programmes. However, while the overview and scrutiny committee work programme is in final format, the other scrutiny committees' work programmes are entitled 'information to consider as part of drafting the scrutiny work programme for 2017/18'. The four thematic scrutiny committee work programmes have varied formats and criteria for including items, agenda items are listed as 'possible topics' and some are incomplete. This could make the status of the documents unclear to a member of the public. None of the forward work programmes clearly articulates the rationale for item selection or the role of the scrutiny committee in considering it. Including information about how the public or other stakeholders can suggest items for inclusion on scrutiny committee work programmes would improve the web pages.
- 20 There are some clear examples where scrutiny committees have undertaken well-planned task and finish groups that have incorporated a wide range of perspectives. The recent working group dealing with Free Sanitary Provisions in Schools consulted with almost 800 female learners plus engagement with a range

³ Good Governance when determining significant service changes review

of stakeholders. Similarly, there was a working group, which conducted a review in respect of the effectiveness of the Governing Bodies across RCT, which sought the views of head teachers and staff. Working groups produce terms of reference at their first session and this clearly sets out the scope, intended output and evidence required. This ensures that the scrutiny activity has a clear rationale, objective and is evidence based. This document would benefit from the inclusion of timescales for delivery and consideration of how scrutiny members will measure the impact from activity. While working groups show clear planning, as with many councils in Wales, the majority of scrutiny activity is centred on committee-based activity, which focuses on the presentation of officer reports. We found little evidence to suggest that this takes into consideration the most appropriate methodology, what additional evidence may be needed or the intended impact of scrutiny activity.

- 21 As a result of increased oversight of the Cabinet forward work programme, scrutiny committees are beginning to select items for pre-scrutiny on a more regular basis. The Council has made changes to its Cabinet work programme to provide greater clarity to the public and overview and scrutiny. The Cabinet is supportive of pre-decision scrutiny of the topics contained within their work programme and there are examples of Cabinet referring items to scrutiny committees for their consideration.
- 22 We also considered how councils are beginning to undertake scrutiny of Public Service Boards. The Cwm Taf Public Services Board Joint Overview and Scrutiny Committee held their first meeting in December 2017 and scrutiny of the PSB is in its early stages.

The Council is beginning to evaluate the effectiveness of its overview and scrutiny function, but needs to do further work to demonstrate the impact of scrutiny

- 23 Since its 2015 review of scrutiny arrangements, the Council has been working towards shifting the focus of overview and scrutiny from producing outputs to having meaningful impact on citizens.
- 24 There is a system in place to track scrutiny recommendations and a clear process for these recommendations to be presented to Cabinet. Cabinet take a decision on whether they endorse the scrutiny recommendations, subject to further consideration by the Cabinet Portfolio holder for the relevant area. Subsequently, a detailed response is provided to the scrutiny committee either through a formal letter or by Cabinet Member attendance at the committee (or both).
- 25 There are a number of examples of evidence-based outputs from scrutiny committee working groups. These are frequently solution focused. It is positive that scrutiny committees have selected topics such as the working group dealing with Free Sanitary Provisions in Schools, where members feel overview and scrutiny can provide insight, gather a range of evidence and can make a difference.
- 26 However, the majority of the activity undertaken by the scrutiny function is within scrutiny committees. Meeting papers suggest that there are a number of instances

where items were 'resolved to be received' or 'acknowledged' by the committee. These items were scrutinised without a clear course of action resulting from scrutiny consideration. Similarly, we found several recommendations for scrutiny items to be brought back to committee for an update at a given date. The purpose or rationale for these updates or timescales is not always clearly articulated. Members emphasised to us the challenges in ensuring they have the time to scrutinise important issues, which suggests a need to ensure a more rigorous prioritisation of items before they are added to work programmes going forward.

- 27 The Council recognises the challenges in demonstrating the impact of overview and scrutiny on services and citizens. The Overview and Scrutiny Annual Report 2016/17 is a significant step in connecting scrutiny activity with 'what scrutiny has achieved'. It is positive that the annual report includes areas that chairs feel could be improved in the process and there is evidence of where members and officers within the Council are seeking to address these weaknesses. However, we found little evidence setting out which scrutiny recommendations initially endorsed by Cabinet have been taken forward to implementation, and with what effect. In addition, the Council has not examined whether those recommendations have made a difference to citizens. The evaluation of the effectiveness of the overview and scrutiny function would be improved if it built on a broader evidence base; for example, qualitative feedback from Council stakeholders and from those that scrutiny activity is intended to have an impact on.

Appendix 1

Outcomes and characteristics for effective local government overview and scrutiny

Outcome What does good scrutiny seek to achieve?	Characteristics What would it look like? How could we recognise it?
<p>1. Democratic accountability drives improvement in public services.</p> <p>‘Better Services’</p>	<p>Environment</p> <ul style="list-style-type: none"> 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. <p>Practice</p> <ul style="list-style-type: none"> iii) Overview and Scrutiny inquiries are non-political, methodologically sound and incorporate a wide range of evidence and perspectives. <p>Impact</p> <ul style="list-style-type: none"> 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.
<p>2. Democratic decision making is accountable, inclusive and robust.</p> <p>‘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 who ensures that information provided to scrutiny is of high quality and 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.

Outcome What does good scrutiny seek to achieve?	Characteristics What would it look like? How could we recognise it?
	<ul style="list-style-type: none"> 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>'Better engagement'</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)

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
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'.	Council

Recommendation	Responsible Partners
developed by the Wales Overview & Scrutiny Officers' Network.	
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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