

Overview & Scrutiny Fitness Check

Torbay Council
January 2009

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Executive summary and key recommendations

Summary

Torbay council is committed to improving the effectiveness of its Overview and Scrutiny function. Currently there are some recognisable strengths and good practice, and members and officers have a shared commitment to achieve sustainable improvement. In particular, there is a desire to develop the ability and confidence of members to undertake their various Overview and Scrutiny roles and responsibilities and to ensure Scrutiny structures and processes are 'best in class' which is the aim of the new Chairman. A positive opportunity now exists to continue building on the progress made by the authority, to enhance outcomes for the communities they serve.

The enthusiasm to improve scrutiny and make it more effective has been noted since the appointment of a new co-ordinator and opposition members being allocated to lead roles. Members are beginning to articulate their view as to what they want from Scrutiny and an officer restructure is planned to provide members with additional policy advice. There is evidence that the Mayor has implemented Scrutiny recommendations and strong working relationships, with some partners, is impacting positively on service delivery. The review team observed that the culture and relationship between the political parties is generally positive, call in is used responsibly, and there is no evidence the whip is used. Member and officer relationships are good, but there are opportunities for further training and development to ensure that members support needs are identified and addressed.

However, Scrutiny is not sufficiently focussed on outcomes and the potential for policy development is not being exploited. The large work programme results in some issues not being fully scrutinised, which impacts on the credibility of the process. Work plans need to be aligned with the Forward Plan, the Local Area Agreement (LAA), corporate priorities, and the community plan. Members also need the freedom to carry out work in areas that the council and its partners have not necessarily identified as priorities. Often, it is in these areas that Scrutiny can add most value. It is critical to get these foundations right, so that the Scrutiny function is able to maximise its contribution to the decision-making process and service planning, in the council.

There is no evidence of work with under represented groups and the Community Pool of external stakeholders is under utilised. The council also needs to consider how it will implement new legislation that impacts on the Scrutiny function.

Clear opportunities now exist to achieve more effective Overview and Scrutiny and the authority needs to ensure that it can position itself in order to achieve this potential. This will involve continued ownership and commitment from members and officers, and the involvement of both, in shaping further developments and innovations.

This report draws to a close an Overview and Scrutiny Check Up undertaken by the Improvement and Development Agency in January 2009. It provides feedback from the review process including the identification of strengths and good practice, and highlighting areas for improvement and how the authority might address these.

Key recommendations

The recommendations of the Overview and Scrutiny review team are set out under the four main headings of the Centre for Public Scrutiny effective Scrutiny model as follows:

Provide 'critical friend' challenge to Executive and external agencies

1. Members and officers need to develop a common understanding of the role and potential of Scrutiny. This includes;
 - implementing a structure that reflects council and LAA priorities, taking into account member and officer capacity
 - considering how Torbay responds to new legislation including the Local Government and Public Involvement in Health (LGPIH) act 2007
 - building flexibility into the work programme so that current issues can be discussed
 - exploring how the relationship between Overview and Scrutiny and the Torbay Strategic Partnership (TSP) can be developed further to enable more focus on providing "critical friend" challenge.
2. Scrutiny should have a leading role in developing policy options by ensuring more collaborative modes of working between Scrutiny and the decision making role of the Mayor, the Cabinet and the TSP Board and management groups. This will lead to more informed policies and improved service delivery, for the benefit of the whole community.
3. Torbay council needs to ensure that Scrutiny becomes outcome focussed and that work is given sufficient lead in time to influence the decision making process. This will avoid frustration among members, which impacts on the effectiveness and credibility of the Scrutiny function.
4. The council needs to develop and support members so that they have an improved ability and increased confidence to question and challenge, as well as evaluating evidence.

Reflecting the voice and concerns of local communities

5. Torbay council needs to explore further opportunities to involve the public in the Scrutiny process, particularly traditionally disengaged groups. This could be working with the community partnerships, an invitation to participate in a task and finish project, adopting co-opted members or utilising e-democracy tools and approaches.
6. The council needs to improve its promotion of Scrutiny by communicating the work and outcomes to members and officers across the council, as well as to external partners and stakeholders.

Process led and owned by members on behalf of the public

7. Torbay needs to consider how the role of Overview and Scrutiny in the development of strategic policy and plans can be enhanced. Members need to lead Scrutiny development, monitor the impact of Scrutiny and evaluate its effectiveness.

8. Scrutiny would benefit from an officer champion, at a senior level to promote the benefits of Scrutiny within the council and externally with key stakeholders, particularly in the TSP.
9. Hold an away day/workshop(s) for all members to discuss the continued development and improvement of Scrutiny and how the authority responds to this report. The Agency would be happy to support the council in progressing this.

Drives improvement in public services

10. The council needs to critically review the effectiveness of Performance Improvement meetings (PIMS) to ensure members and officers are able to maximise their contribution to service improvement. Members of Scrutiny should carry out constructive challenge, and follow up on issues of poor performance, using the Scrutiny process to drive up performance in key service areas.
11. Develop a more robust work programme that is realistic but is also flexible enough to enable new emerging issues of concern to be addressed. This will ensure that Overview and Scrutiny is driving service improvement and playing a key role in the policy development process.
12. Scrutiny needs to improve how it currently evaluates its performance and promotes its contribution to service improvement. The annual report captures some of this information, but it needs to focus more on impact and outcomes. Celebrating achievements is critical, promoting small successes as well as larger ones. This will help to raise the profile of Overview and Scrutiny in the community, and its role in driving improvement in public services.

Report

Background

1. Torbay Council invited IDeA to undertake a fitness check, as part of its work to improve the overall effectiveness and impact of Overview and Scrutiny function.
2. The IDeA Overview and Scrutiny fitness check is based upon the Centre for Public Scrutiny's effective Scrutiny model. It offers a supportive approach to help authorities assess their current Scrutiny arrangements fitness for purpose, undertaken by friends – albeit 'critical friends' – and aims to help a council identify its current strengths as much as what it needs to improve.
3. The Centre for Public Scrutiny effective Scrutiny model identifies four key components for effective Scrutiny and the supporting infrastructure to deliver these components:
 - **"Critical friend" challenge to executive policy-makers and decision-makers**
 - **Reflecting the voice and concerns of local communities**
 - **Process led and owned by members on behalf of the public**
 - **Drives improvement in public services**
4. The members of the peer review team were:

Councillor Alan Jarrett, Deputy Leader Medway council
Mark Farmer, Scrutiny manager, Luton Borough council
Carmel Gallagher, IDeA Improvement Manager

The fitness check is in three phases: start up and document review, on site work and analysis and report. The team was on site from 20th- 22nd January 2009. The programme for the on site phase was organised in advance and included a variety of activities designed to enable the team to meet and talk to a range of stakeholders.

Examples included the following activities;

- Examination of key documentation, e.g. corporate plan, key strategies for the council, terms of reference, procedure rules, work programmes, etc.
 - Observation of Cabinet and Scrutiny meetings
 - Focus groups with Overview and Scrutiny members and the Cabinet
 - Discussions with the senior management of the council and other key stakeholders
 - Discussions with officers who support the Overview and Scrutiny function.
5. The review team appreciated the warm welcome and hospitality provided by the council and would like to thank everybody we met for their time and contributions. Our needs were taken care of in the build-up to the review and whilst on site in a very supportive way.
 6. The feedback given the council on the last day of the review provided an overview of the key messages. This report builds on the initial findings and gives a detailed account of the work. The report is structured around the four key components for effective Scrutiny, listed above.

Context

7. Torbay is a historic seaside resort comprising Torquay, Paignton and Brixham which are collectively known as the English Riviera. The council was established as a Unitary authority in 1998, it serves a growing population of some 132,800 people largely based in its three major communities: Torquay (65,000), Paignton (49,400) and Brixham (17,900). During the peak summer months, visitors can swell these numbers to up to 200,000. In population terms, Torbay is the eighth smallest unitary authority, it is a popular retirement destination and has a higher proportion of older people than the national average figures, (43 per cent compared to 34 per cent), especially people over the age of 80.
8. The population is predominately white although the Black Asian and Minority Ethnic (BAME) population increased from 3.1 per cent in 2001 to 4.3 percent in 2003. The largest minority ethnic group is Polish, which has a long established community in South Devon. Torbay's GVA per capita is the second lowest in England and the lowest in the South West Region, at 61.8 per cent of the English figure. There are limited high value jobs available due to the Bay's traditional dependence on tourism and service industries, and the loss of significant high value industries in recent years.
9. Unemployment is around the national average at 2.6 per cent, however male unemployment at 3.5 per cent is consistently above the national average. The mean gross wage is 71. 4 per cent of the figure for England and Wales and over one quarter of the working age population claim one or more benefit, compared with 17 per cent for Great Britain and 13 per cent for the South West. The impact of this is that Torbay ranks 94th out of 354 local authority areas in respect of deprivation statistics, where 354 is the least deprived, with 6,000 people living in the bottom 10 percent and 20,000 in bottom 20 percent of deprived areas in England. The economic problems of the area and its demographics manifest themselves in other ways with high levels of benefit taken up, long term limiting illness, and housing affordability. Outward migration of young people from the area is a serious concern.
11. The vision for the council and its partners is for a cleaner, safer prosperous Bay. The new community plan, *Turning the Tide* developed with members of the Torbay Strategic Partnership (TSP), puts economic prosperity at the centre of what it wants to achieve. The community plan covers 4 themes; Pride in the Bay, the new economy, learning and skills for the future and stronger communities. The Mayoral vision, entitled *The new English Riviera* provides clear direction for the regeneration of Torbay over the next 20 years.
12. Torbay council is composed of an elected Mayor and 36 councillors, who are elected every 4 years. The political balance is 23 Conservatives, 8 Liberal Democrats, 2 Independent Group and 3 independent members. The Mayor has appointed an advisory Cabinet of 9 members from the majority party, who help to advise the Mayor in his decision-making role.
13. The council operates a delegation of decision-making powers to officers who identify the appropriate course of action in consultation with the relevant Cabinet member. The council has implemented a new management structure of a Chief Executive and 4 Commissioners who will be responsible for purchasing services for the community, on the most favourable basis. The senior management team is headed by the Chief Executive and termed Commissioning Officers group (COG). A new team of Executive Heads is responsible for service delivery.
14. The Scrutiny structure consists of an Overview and Scrutiny Board which deals with corporate issues and has a co-ordinating role, and 4 themed boards which reflect the priorities in the community plan. The themed boards are chaired by Scrutiny lead members

who also sit on the main board. One of the themed boards is chaired by a member of the opposition and the vice chair of the main board is the leader of the opposition group. The current chairman of the main board is a newly appointed member from the administration. Each board sets up its own review panels and contribute to PIMS. These meetings provide an opportunity for members to discuss performance related issues in private, with Cabinet members and relevant managers.

15. The Scrutiny function is supported by 4 full time equivalent officers. The planned officer restructure may entail changes to the current reporting arrangements. The council commissioned the review to provide independent external expertise and to help identify areas for improvement.
16. The council was categorised as 'two star' in the Audit Commission's latest comprehensive performance assessment and was deemed to be improving well. Torbay was one of the first council's in the South West to achieve the charter for member development. The council has also achieved level 3 of the Equalities Standard for local government and has published an *Inclusion Charter* which commits the council and its partners to:
 - promote equality, inclusion and good relations
 - reduce disadvantage and poverty
 - eliminate unlawful discrimination.

Torbay was a pilot authority for Comprehensive Area Assessment (CAA), the new inspection process of the Audit Commission. The council also took part in a pilot diagnostic of the Good Governance Standard being developed by the Audit Commission. Their findings stated that "all the core elements of a good governance framework were in place, there is a coherent vision statement and set of priority outcomes, member/officer relationships are good, there is a sound ethical framework and the work on in progress on the member development programme is impressive". However the report also confirmed that "there were tensions between some members and their behaviour sometimes falls below that which is acceptable".

Provide 'critical friend' challenge to the Executive and external agencies

Strengths

17. The role and contribution of Overview and Scrutiny in Torbay is improving as a result of recent changes. The new arrangements are leading to greater consensus on a number of issues. The Scrutiny Board, which is the overall Scrutiny coordinator, has brought new enthusiasm and expertise to the role. The Chairman is committed to working in a non party political manner, which has the potential to engage the energy and commitment of all councillors to work together, in a positive and constructive manner.
18. The council has appointed the leader of the opposition as vice chairman of the main board and one of the other boards is chaired by an opposition member. This has contributed to a more inclusive cross party approach that is welcomed by all. The relationship between the Cabinet and Scrutiny is generally viewed as open, honest and non-confrontational, and there are examples of portfolio holders meeting with the relevant Scrutiny members to discuss portfolio developments. Scrutiny members sit in on Cabinet meetings and run the PIMs with Cabinet members and managers. This is helping to extend members knowledge and understanding of service areas and the challenges facing the council.
19. The call in process is used in a sensible and responsible way and there was no evidence of the whip being used in Overview and Scrutiny. The review team found evidence that the Mayor has responded positively to recommendations made by Scrutiny, for example, the review of care services and anti social behaviour. This is a good indication of the council's commitment to Scrutiny being independent from party politics. Members and officers generally view this as a positive development, and it is an example of the efforts being made to ensure Scrutiny becomes more inclusive.
20. There is a process in place for Overview and Scrutiny members to review the annual council budget and put forward recommendations. Senior managers are very committed to improving the effectiveness of the Scrutiny process and are keen to ensure members are supported within the resources available. A positive opportunity now exists to continue building on the progress made by the council, to enhance outcomes for the communities they serve.

Areas for Improvement

21. However there are further challenges that need to be addressed, to ensure that the Overview and Scrutiny function is 'best in class', which is the aspiration of the new chairman. The review team found evidence that the new arrangements are not understood by all. Some members are relatively new to the council and are still on a learning curve to fully understand the Scrutiny process and how they can maximise their contribution. Other members are new in role and are wedded to a particular structure or process that is no longer relevant. The council recognises there is scope to develop relationships further between Scrutiny and partner organisations. This would in turn help to ensure that Scrutiny is positioned to provide critical friend challenge, and hold partner organisations to account for performance, in addition to commenting on policy proposals. This would also ensure that everyone is clear how the system should work, and their role and responsibility within it. Scrutiny needs to raise its profile so that it has parity of esteem within the governance structure of Torbay and demonstrate how it can add value to the work of the council and its

partners.

22. The role of Scrutiny under the new arrangements needs to be agreed by members. The independent role and nature needs to be more fully understood, ensuring that there is a balance in the Mayor/Cabinet and Scrutiny relationship between co-operation and challenge. It is important that the legitimacy of Overview and Scrutiny as a means of members influencing policy development and providing checks and balances on decision-making is fully recognised by all members. The review team suggest that the council drafts a protocol between the executive and scrutiny functions, supplemented by Constitutional amendments.
23. It is important that there are clearly agreed and communicated timescales, within which the Mayor is expected to respond to a Scrutiny report and recommendations. Implementation of the Local Government and Public Involvement in Health Act 2007 has formalised this, and when the legislation is implemented, it is likely that the Executive will have to respond to recommendations within 2 months.
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24. Members need to develop their questioning skills to ensure that their questions are purposeful and focused on challenging the Mayors and Torbay partners' priorities, and their performance against those priorities. Members need to understand that there are different questioning techniques and styles that are more/less appropriate in different situations. Scrutiny members also need to understand that a number of issues will require professional or technical knowledge and in a number of areas will be driven by legislative requirements. The review team are of the view that Members need to recognise the limits of their own knowledge. Consideration should be given to using external expert witnesses and research more, enabling Scrutiny members to have access to independent advice and evidence on complex issues.
25. Whilst Scrutiny needs to be member-led, it also needs championing by senior officers to support and promote the merits and value of the function, throughout the council. Some members have a perception that requests for information by Scrutiny are not treated with the same degree of urgency, by officers, as from Cabinet colleagues and other members are not confident accessing material electronically. This can lead to a 'them and us' culture that has implications for all concerned. Senior officers need to give further consideration to the implications of being policy advisors to the Mayor, Cabinet Members and Overview and Scrutiny. The review team consider that the remit of the current support team is too wide and that skills and abilities of officers are not being effectively directed to support the Scrutiny function. The review team suggest that clerking meetings and administrative tasks were not good use of Scrutiny officers' time as it deflected staff from providing professional research support to members.
26. The review team observed good work being done on the budget proposals. However it is recognised by all that this important work needs to start sooner to enable Scrutiny members to question if the Mayors financial and corporate priorities are the right ones, examine financial proposals to ensure that they meet intended outcomes, by focusing on developing evidenced recommendations.
27. Scrutiny is not sufficiently focused on outcomes and this is impacting upon everything that Scrutiny does. This includes a lack of focus on outcomes when designing lines of questioning and when considering what research is carried out. Scrutiny work is not prescriptive which allows for creativity and flexibility in undertaking review and investigations, however more productive outcomes could be achieved by members concentrating on more strategic issues, rather than the minutiae of operational activities.

28. There are a number of new issues that will impact on the role and impact of Scrutiny in the future. There is potential for Scrutiny to develop positive working relationships with key partners, particularly with the TSP. Torbay needs to ensure it is fully prepared for impending implementation of the Local Government and Public Involvement Act (LGPIA), which further strengthens the role of Scrutiny in challenging the work and performance of partners by developing strong, robust working relationships between Scrutiny members and LAA partners.

Reflecting the voice and concerns of local communities

Strengths

29. The council has put in place constitutional arrangements that ensure the separation and independence of Overview and Scrutiny from the Mayoral decision making process. Scrutiny meetings are open to the public and there are a number of systems in place to publicise details of meetings. The annual stakeholder conference provides a mechanism for key stakeholders to shape the annual work programme. The Community Pool, an external group drawn from the community, provides an opportunity for the public to engage in the scrutiny process. This has the potential to be expanded in the future, as a mechanism for external input to the work of the council, but also to engage the wider community to contribute to service design and policy development.
30. The work on Post Office closures reflected the concerns of local people. It resulted in retaining some of the threatened services and raised the profile of the council, within the community. Some other reviews have engaged external partners, for example work on anti social behaviour, young people and the mental health service. The review team were impressed with the presentation of reports from Overview and Scrutiny reviews. The reports focussed on the key issues and included clear recommendations for a way forward.

Areas for improvement

31. Despite recent changes, more work is required to enable members to develop their confidence to take Overview and Scrutiny to the community, in a creative and innovative manner. Scrutiny needs to build its overall credibility and profile within the council and with external partners. All members are grappling with time constraints, trying to meet the requirements of the decision-making process with limited capacity to cover all the key roles. The review team suggest that the current approach to work planning results in a scatter gun approach. Greater impact would be achieved by a smaller number of reviews that are more outcomes focussed. Work programmes should be aligned with the requirements of the LAA, corporate planning, budget setting and strategic policy development processes, whilst maintaining a member-led and owned Scrutiny approach that reflects the voice and concerns of the public.
32. The review team were informed that lead officers are occasionally involved with the scoping of reviews, but this may not always be the case. It is difficult for members to know what they don't know; this can lead to focusing on the detail, rather than take a strategic view. Members also need to ensure that Scrutiny work is restricted to areas where they can realistically make a difference. This will mean saying 'no' to items that are outside the scope of the work. There is willingness and expressed commitment from all sides to ensure the process is improved, however the council needs to take ownership and leadership in this area.
33. The review team noted that Torbay had invited external contributions to some of the reviews; this is a positive step which provided new insights for members into the complexity of a number of policy areas. There is also a published guide to enable external people to understand the process. However, the range of co-opted members is limited to what is obligatory. Many authorities have exercised the choice of non statutory co-optees and have seen the benefits of this approach. According to a CFPS survey in 2007, the average

number is 3 non statutory members. There are other authorities that provide strong support for co-opted members, for example Bristol City Council, which has more than 50 co-optees. The authority has invested significantly in their role through the provision of a comprehensive co-optee handbook, induction and refresher courses, access to members' training and other development opportunities, a co-optees' room with intranet and internet facilities, co-optees' allowance and officer support and advice. Torbay may not be able to deliver this level of support due to resource constraints; however it is something that needs to be explored. Co-opted members will bring fresh insights to Scrutiny work; however they will also need support to ensure they have a full understanding of the process and the potential outcomes that can be achieved.

34. The Community Pool is currently under utilised and Scrutiny seemed to have no involvement in the community partnerships. If this is the case, it represents missed opportunities for greater public involvement which could lead to more effective engagement and impact. It would also help to evidence how the council is responding to the 'Strong and Prosperous Communities' whitepaper that encouraged Scrutiny to get more involved in community partnerships to experiment with area scrutiny. Scrutiny also needs to push for the use of the powers available to councils under s236 of the LGPIHA.
35. More work is needed to ensure that Overview and Scrutiny is reaching diverse communities through engaging with people who are not traditionally engaged or other unheard groups. There is also scope for further joint working with the third sector and community groups. In seeking to expand the current co-opted members the council needs to be mindful that external contributors should be rigorously selected, they need to be clear as to their role and the weighting given to their contribution: officers input and advice is critical from the outset.
36. Members of Scrutiny need to consider how its work is communicated to members, officers and the public. Overview and Scrutiny is not proactive in celebrating success. There is limited evidence of Scrutiny promoting its role or communicating its achievements across the council. The press interest is mostly around contentious issues that are debated in full council meetings and therefore members do not see contributing to Scrutiny as an effective way of raising their profile in the community. Some councils have worked with their communications team to develop a communication plan for Scrutiny. This helps to agree the type of support a committee or review panel can expect from the communications team in terms of publicity. It also helps the Chairs of Scrutiny to forge positive relationships with relevant officers and the external media.

Process led and owned by members on behalf of the public

Strengths

37. Overview and Scrutiny in Torbay has the potential to empower members to take the lead on behalf of service users and the community. It is a flexible approach, for example, review panels can do a quick overview or consider undertaking more in depth-work. Appointment to panels is politically balanced and members expressed a desire to work cross party without regard for party politics. This new approach has the potential to lead to further improvements and consensus building.
38. Members are starting to articulate their own view as to what they want to achieve from the Scrutiny process. Scrutiny Members are keen to focus more on policy development and how that can be utilised to help inform new policy work and service development activities. There is agreement that more forward looking reviews lead to more effective outcomes; however establishing clearer communication is critical to success.
39. The new chairman is very proactive, has a vision for what Scrutiny could be like in the future and is committed to making hard decisions to make this a reality. All the chairs of committee sit on the main board, this helps facilitate effective communication and avoid duplication of work. It also provides an opportunity for members to share good practice and learn from what works in another committee. The work on the budget proposals is a good example of joint working across the council. The annual report is a good summary of the work undertaken by Scrutiny. However it needs to shift the focus to achieving outcomes and demonstrating impact in the future.
40. Member officer relationships are considered positive and productive. Members value the support they receive from the Scrutiny team and are generally open to new ways of working and advice from officers. An officer restructure is underway which will provide Scrutiny members with additional policy advice.

Areas for improvement

41. Political consensus has recently been achieved but is not yet embedded. Members need to become more future focussed and move away from the difficulties of the past. Committee Chairs clearly want to own their own work programme: however the capacity of members is limited and maintaining focus on the high level issues is critical for future success. The Mayor and Cabinet members are keen to establish more productive ways of working but this needs to be achieved in a way that maintains the independence of the Scrutiny function. There are benefits for all, in a more collaborative approach. This entails working on the right issue, at the right time. Establishing mutual trust and recognition is an ongoing challenge for all.
42. The need to deliver more focussed, high quality work was a key theme during the review. The review team was told that members had been encouraged to put forward ideas for Scrutiny by the board in order to encourage full and wide participation in the process. The review team recognises the positive intentions; however the work programme for Scrutiny should be more selective and address key areas of performance and service delivery for the council. The Scrutiny committees should review the overall targets and priorities set by the council and its partners, informed by what will most

improve the well being of the community. Undertaking this role will be a key influence on how the organisation views the Scrutiny function and the credibility it has internally and externally.

43. The constraints posed by the number of members who are available have implications for how the Scrutiny function is structured. This may need to be reviewed as the political relationships are becoming more mature and there are members who have broader experience of a range of functions. Good people will make any structure work, what is required is a structure that enables Overview and Scrutiny to proactively and reactively inform and enhance the strategic policy making and planning. The subsequent monitoring of the implementation and performance of these policies needs to be well thought out and effective.
44. The review team were concerned that the work of Scrutiny is not sufficiently evidenced based. To some extent this is a symptom of the current overambitious work programme. The work on reviewing the budget seemed to take place outside of the Medium Term Financial Plan (MTFP) and recommendations from some reviews were too aspirational. A clearer understanding between what are strategic and operational issues is required. As stated elsewhere in this report, members have a tendency to pursue lines of questioning that is around operational detail. Committee chairs have a key role here to ensure that investigatory work remains focussed on the strategic implications of policy development and performance improvement.
45. The council would benefit from nominating a senior officer as an advocate for Scrutiny. This could help to raise the profile of the function and ensure it is represented at COG. However it needs to be emphasised that all council officers have a responsibility to support the work of Overview and Scrutiny. The review team heard evidence that systems were not regularly updated and reports were not delivered in time. This has an impact on the work programme and the ability of Scrutiny to make a difference.
46. The role of Overview and Scrutiny in performance management is underdeveloped. The PIMs process is widely regarded as being ineffective and it is not clear how the process is contributing towards the council and its partners meeting their agreed outcomes. The process therefore needs to be urgently reviewed to ensure that it deals with performance management at all levels, with increased focus on outcomes rather than inputs.

Drives improvement in public services

Strengths

47. Scrutiny has the potential to deliver a key role in monitoring external partnerships and in driving improvement in public services. The review team found evidence that the Mayor and Cabinet are taking forward the recommendations from the 'looked after children' review. There are strong working relationships with the National Health Service (NHS)) which is leading to improvements in service delivery. Feedback from some stakeholders confirmed improved working relationships and greater understanding of the role that Scrutiny can deliver on behalf of the community. Comments from both members and officers suggest there is potential to further strengthen the influence and credibility of Scrutiny, and improve communication between Scrutiny and other parts of the council.
48. Work on the budget was taking place while the team were on site and resulted in the Overview and Scrutiny Board presenting its recommendations to the Mayor and his Cabinet. The meeting was business-like with good quality discussions about the merits of the recommendations being put forward. The review team also found evidence that Scrutiny is monitoring the implementation of recommendations. For example, the review of Youth services is in the work programme this year and will be reported upon. Most of the committees have pre-agenda meetings with their officer to plan the agenda in accordance with the work programme, and this is both good practice and an opportunity clearly valued by the Chairs.
49. Torbay is working hard to ensure that all members have a role in performance monitoring. The PIMs system has the potential for members to review service delivery and track performance indicators but is not yet fully embedded. The review team were impressed with the commitment of members who were investing time to understand how the system works and to maximise their contribution to the process.

Areas for Improvement

50. However, PIMs is not yet working effectively for members and officers. It appeared to the review team that the current emphasis is on reviewing progress on PIs, some of which were 6 months out of date. Some members struggled with the technology and others were not sufficiently au fait with the professional issues to be able to make meaningful observations. Members need to become aware that their role in performance management can be more than merely scrutinising PIs. This should be part of the approach of the authority as a whole, with members learning the issues facing services and understanding what is being done, to improve performance.
51. Members may also wish to consider requesting key performance information as a consistent part of officer reports and examining areas of underperformance. This should be coupled with clear recommendations to address underperformance, where members wish to see improvement. There is scope for the Scrutiny role to develop from one of performance monitoring to performance management, ensuring that members can influence the actions taken to improve performance. This is especially important when members face questions or comments from the public, in their ward representative and community leadership roles.
52. The review team suggests that the Scrutiny function has a key role in addressing performance issues through effective challenge. The team consider that it is important for members to receive further training and development in how to challenge robustly without resorting to aggression or politicking. This development should be practice based e.g. how

to challenge appropriately, asking exploratory questions and reaching conclusions, based on information presented.

53. The review team are of the view that the current work programme is unrealistic and over ambitious. The CFPS annual survey in 2007 shows an average of 6 reviews per year, in an authority. Moving to a more focussed programme would ensure that members are working smarter rather than investing time and energy in activities that have limited impact. This will help to build the credibility of Scrutiny but will also entail making difficult choices as to what really matters, rather than what is nice to do. However a revised work programme needs to have some flexibility built in to ensure the emerging community concerns can be addressed. The committee Chairs have a key role in compiling appropriate work programmes and the Overview and Scrutiny co-ordinator has a responsibility to ensure there is no duplication.
54. There is clear agreement that Scrutiny is not sufficiently engaged in policy development. Scrutiny needs to be involved at a much earlier stage to influence and shape new policy work. It should look to provide constructive, robust and purposeful challenge that prompts the Mayor and Cabinet members, as well as officers, to reflect on policy development and decision-making. Moving this forward will require changes to the current way of working. This will have implications for how Torbay does its business. Members may wish to consider the development of some success factors and agree outcomes and outputs that can be used to measure and demonstrate that Scrutiny is making an impact on service improvement. This is challenging work, but if successful it should be included in the annual Scrutiny report to track progress and promote the benefits of Scrutiny.
55. Scrutiny does not feature in the risk management plan and there was little evidence of how Torbay will effectively scrutinise the delivery of the LAA targets. In the time available, it was not possible to fully explore the practice of Scrutiny with partnerships, other than the preceding comments in this section. The inclusion of lead officers/members of staff within partner organisation in the Scrutiny of partnerships is essential. They will act as link between Scrutiny and partner organisations - a champion role. Members need to own and be fully supportive of any developments that are introduced, particularly in light of the number of changes recently introduced. Whilst Scrutiny needs to be member-led, it also needs championing by senior officers, particularly COG, to support and promote the merits and value of the function throughout the organisation. As part of the consideration of Scrutiny procedures for external partnerships, it may be appropriate to consider joint training for members and officers involved. Clearer understanding of the distinction between strategic and operational performance review is also required in order to make clear and robust recommendations in areas of underperformance.

Contact details

For further information concerning this report, please contact Carmel Gallagher, the IDeA's Overview and Scrutiny fitness check manager:

Carmel Gallagher
Improvement Manager, IDeA
email: carmel.gallagher@idea.gov.uk
mobile: 0774 779 1764

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