



Shetland Islands Council

A Guide to Scrutiny

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1. Introduction

The Local Government in Scotland Act 2003 introduced a statutory requirement for all Councils in Scotland to demonstrate greater accountability in their pursuit of Best Value. A developed scrutiny function, where elected Members are empowered to investigate performance issues, plays an important part in the achievement of this.

The purpose of this short guide is to provide information for Members, Officers and the public on the scrutiny role of the Audit and Scrutiny Committee and the way in which its scrutiny business is conducted.

Background

The Executive Committee was formed as a result of a Member-Officer Committee and decision-making structures review that was carried out in 2003. The Executive Committee is made up of the Chairs and Vice Chairs of Infrastructure, Services.

On 2nd November 2005, a dedicated Scrutiny Committee was established to fulfil the scrutiny role formerly carried out by the Executive Committee. With the audit function being added to this remit on 28th March 2007, the Committee was renamed, the Audit and Scrutiny Committee.

The way the Audit and Scrutiny Committee fits into the existing Council Committee structure is shown in Figure 1 on the following page.

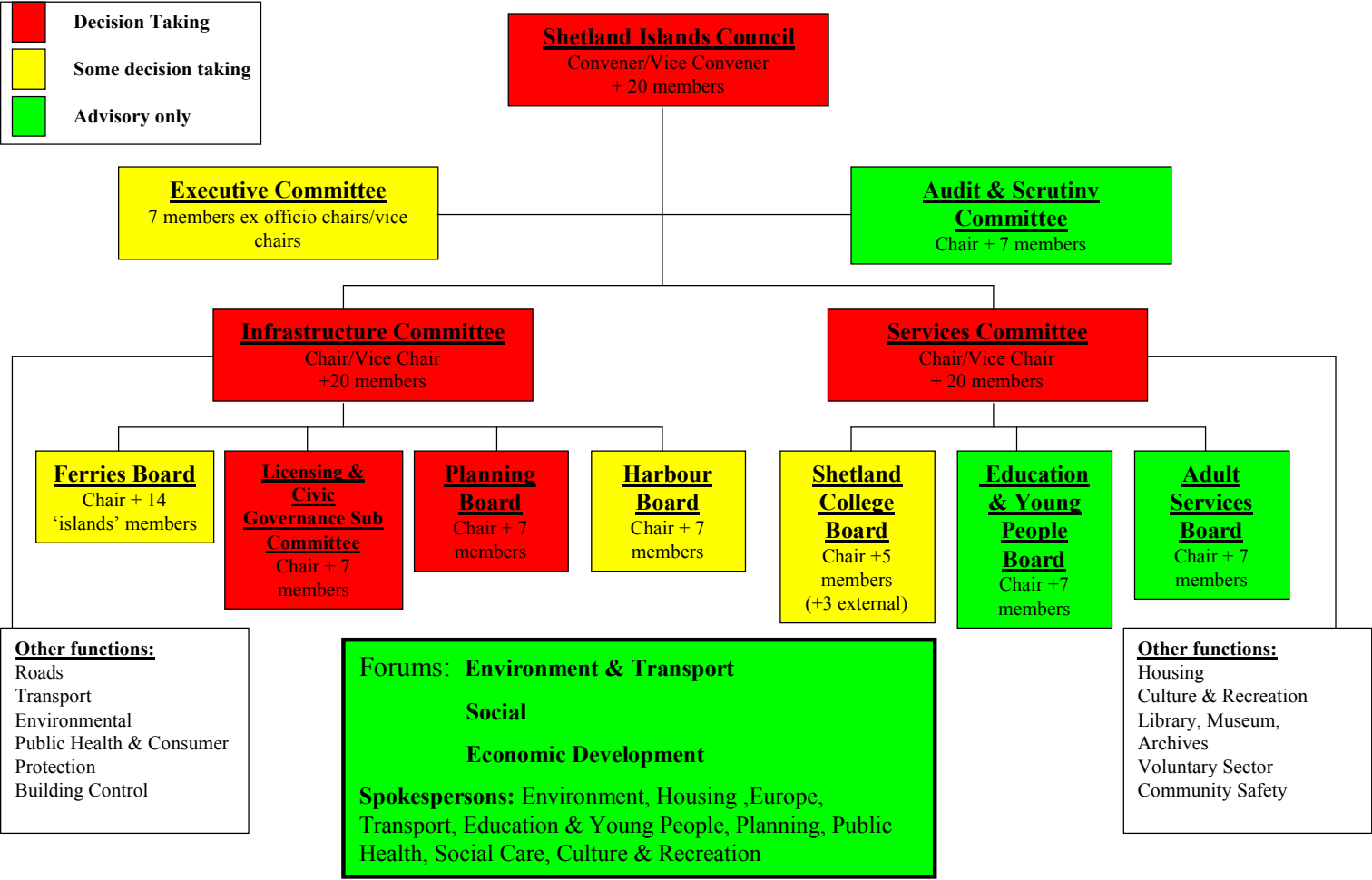
What is scrutiny?

Put simply, scrutiny includes monitoring everything to do with the way the Council performs. This includes assessing achievements against intentions, identifying areas where performance is in need of improvement and then making recommendations to the Council for improvements.

It also involves highlighting areas where performance is good, seeking out the reasons for this and ensuring that it is shared across the organisation.

It is important to emphasise that the Audit and Scrutiny Committee is not a decision-making body. By way of recommendations, it will have a general remit to help improve the way the Council does its work. It exists to sharpen the accountability of Services and to harness public debate on important issues. Effective scrutiny must add value – if it doesn't, it's not worth doing.

Figure 1 - Council Key Decision Making Structures



Who's on the Audit and Scrutiny Committee?

The following members were elected to sit on the Committee:

Chairperson

Florence Grains – Member for Shetland West

Vice-chair

Allison Duncan – Member for Shetland South

Other Members

Robert Henderson – Member for North Isles

Addie Doull – Member for Shetland North

Gary Robinson – Member for Shetland West

Caroline Miller – Member for Lerwick North

Jonathan Wills – Member for Lerwick South

Laura Baisley – Member for North Isles

How does it operate?

Although the Committee has a formal remit, it does not operate as a traditional Council Committee. Meetings take place in public wherever appropriate and in a range of different locations depending on the topic being considered.

Members are also encouraged to engage more effectively with the public and the media on scrutiny topics, making site visits to see for themselves what is happening in Services and to work as a 'critical friend' to officers rather than as adversaries.

The Committee meets at least once every 6 weeks. There is flexibility to meet more often depending on the issues being considered.

Matters outwith the scope of the Committee

Advice will be available to members of the Audit and Scrutiny Committee from the Head of Legal and Administrative Services on whether topics are suitable for consideration. However, as a guide, the Committee's remit will not cover the following areas;

- Decisions in respect of redundancy, disciplinary or grievance cases, codes of conduct for both employees and elected Members;
- Decisions on applications for consents or permissions required under the Town and Country Planning Acts;
- Decisions on applications for licences required under the Civic Government Act

Officer support

Integrated support is provided from a variety of sources – Policy Unit, Committee Services, Legal Services. These sections will contribute to the organisation and management of the investigation process, agenda management/minute taking and provide specific technical advice as considered necessary by the Committee.

Ultimately all senior officers of the Council are required to support the Committee if called upon to provide evidence or participate in gathering information as part of an investigation.

2. Dealing with issues

Members of the Audit and Scrutiny Committee will receive questions from various sources on widely diverging topics. Listed below is the agreed procedure for dealing efficiently and effectively with queries that do not require formal investigation.

Stage 1

Once the issue has been raised with the member of the Audit and Scrutiny Committee, it will be logged and a written acknowledgement provided by the member within 5 working days.

Stage 2

The member should then take advice on the handling of the issue from the Chair of the Audit and Scrutiny Committee and/or Head of Legal and Administrative Services/Head of Organisational Development (as appropriate).

Stage 3

Where it is a matter that appears to involve a straightforward response, the member will pass the query to the relevant officer of the Council. At the same time, s/he will notify the other Audit and Scrutiny Committee members of the course of action taken so that they can comment, as necessary.

Stage 4

The officer will be required to provide a full response to the member within 10 working days. If this resolves the issue to the satisfaction of the Audit and Scrutiny Committee member, the officer will be asked to send the response to the person, with a copy to the member.

Stage 5

Audit and Scrutiny Committee members will be required to update the full Scrutiny Committee of queries that have been received since the last meeting and how these were handled.

If there are issues arising from this that the Committee decides to follow-up, the officer may be invited to attend the next meeting to answer any questions and assist the members in any debate.

Where it is apparent that the matter being raised requires more detailed consideration, the person should be informed that the matter will be added to the list of issues being considered for formal investigation and that they will be kept up to date as to progress.

The rest of this guide sets out the procedure for dealing with formal investigations.

3. Setting the Annual Scrutiny Work Programme

Scrutiny is Member-led. The decisions on which areas should be investigated, who should be called to give evidence at scrutiny meetings, what information is required and how it should be presented are left to the members of the Audit and Scrutiny Committee.

However, the following sections set out some parameters within which the Audit and Scrutiny Committee will conduct its business.

Identification of scrutiny topics

There are many sources from which scrutiny topics can come to the attention of the Committee. Some examples are listed below:

- public raising issues directly with a Committee member;
- outcomes of public consultation exercises;
- other elected Members;
- Council officers;
- Recurring complaints about a Service area;
- Community Councils;
- Council Committees or Sub-Committees (Executive/Infrastructure/Services);
- Council strategies/plans/policies;
- 6-month, 9-month or year-end service performance reports;
- Corporate Plan reviews;
- Monthly financial management accounts;
- Issues raised by partner organisations;

Having gathered topics for potential investigation, an assessment would be made of the risks to the organisation that are associated with each topic. This assessment, along with debate on the topic that will be of most value to the Council, will help the members decide which topic should be investigated first.

The checklist, attached as **Appendix 1**, will help the Committee in these discussions.

Once the topics have been prioritised, the Audit and Scrutiny Committee will include these in a work programme for the coming months. In order to ensure that

appropriate time and effort can be devoted to the topics considered to require investigation, a limit will be placed on the number of investigations to be carried out in any one year.

There will be provision to include other matters that require urgent attention. Should this be the case, members of the Committee may have to re-prioritise the areas already identified for formal investigation.

4. Conducting formal Scrutiny Investigations

The effectiveness of investigations will rely heavily on effective project management skills. An essential starting point of any investigation will therefore be a clear set of Terms of Reference which members can use to ensure the process is on track and meeting the required outcomes. A template Terms of Reference document is attached as **Appendix 2**. This also sets out an explanation of the information to be completed in each section, for illustrative purposes only.

Existing sources of evidence

The first stage in setting the scope and terms of reference of a work programme item will be to establish what is already known and available about the topic. Sources of information that will help to establish what is already known include:

- Outcomes of recent consultation (within the last 2 years)
- Themes from service user feedback (both positive and negative)
- Monthly Management Accounts
- Benchmarking/comparative information
- Outcomes of recent reviews and external inspections

These should be provided to the Committee, with the support of the Head of Organisational Development.

Methods of collecting further evidence

- Site visits to services to gather evidence direct;
- Calling Officers/Spokespersons to attend Scrutiny Committee meetings to provide face to face explanations on an issue;
- Written evidence – questionnaires to service users, Performance information (Service Performance Reviews and Corporate Improvement Plan monitoring etc);
- Mystery shoppers;

5. Handling scrutiny meetings

Before meetings

Should the Committee decide to call a Council Officer or Spokesperson to attend a scrutiny meeting, that person will be informed in writing at least 5 working days before the date of the meeting as to the reasons his/her presence is considered necessary.

The person will be provided with a clear indication of the topics that will be covered in the meeting, so that s/he can have time to prepare. Where appropriate, the Officer/Spokesperson may also be asked to prepare a written submission for the Committee in advance of the meeting so that members can formulate questions to ask at the meeting.

The Committee may also wish to invite other people to address it (Partner organisations, representatives of local business, members of the public, Community Council members, School Board members etc), to discuss issues of local concern and/or answer questions. It should be noted that these individuals can't be compelled to attend.

Conduct of scrutiny meetings

Meetings of the Audit and Scrutiny Committee will be held in public wherever appropriate. During meetings of the Committee, should the Chairperson consider that the issues being discussed are of a confidential nature, and this conforms to Local Government exclusion guidelines, the public may be excluded from the meeting. (further advice will be available from the Head of Legal and Administrative Services, as required)

There will also be provision for the Committee to meet in private where specific issues are being dealt with in detail. Decisions on these matters will be made by the Chairperson, in consultation with the Committee.

The Chairperson of the Committee will ensure that meetings are conducted in accordance with the following principles:

- The discussions will be conducted fairly and all members of the Committee will be given the opportunity to ask questions and to contribute;
- Members will be expected to ask probing questions so as to ensure they get the information that they need. Officers will be required to provide honest and detailed answers, avoiding jargon or technical terms wherever possible;
- Those attending a meeting will be treated with courtesy and in an objective and impartial manner and will not be made to feel pressured in any way. The purpose of all meetings is to gather as much information as possible and the only way this can be done is through discussion and questioning;

Questioning

Scrutiny does not require Members to be experts on the topics and services that are being considered. Often the most effective questions are simple and open – ones that will help to get to the underlying issues. For example:

'What' questions

- What do we do?
- What has worked well?
- What services do people want to receive?

'How' questions

- How have we achieved these improvements/impacts?
- How could we make what we do better?
- How do others do it?
- How are we achieving value for money?
- How do options support the achievement of the corporate priorities?

'Why' questions

- Why do we do it like that?
- Why are people happy with this service?
- Why don't we do it that way?
- Why do we do it at all?

'Where' questions

- Where else should we be using this best practice?
- Where is the service provided?
- Where should it be provided?
- Where can we further increase value for money?

'Who' questions

- Who needs to be told about this best practice?
- Who should be using the service?

When members of the Committee know which topic is going to be the subject of an investigation, they may wish to conduct their own research into the matter. e.g. to prepare questions they may wish to ask witnesses invited to attend the meeting.

Members may also conduct research in order to enable them to put across the view that a certain topic should be included in the work programme. In these circumstances, they may ask Council officers to provide factual information on an issue but they will not ask those officers, outside of the Committee meeting, to express views on the subject or to propose alternative policies or courses of action.

The Committee will not act as a disciplinary panel in relation to the actions of officers or Members. Whilst the Committee may seek to establish the facts about what occurred in the making of decisions or implementing Council policies, questioning should not be directed at the conduct of the individuals in such a way as to allocate criticism or blame.

6. Making and monitoring recommendations

Preparation of the report

Members of the Committee, with the help of the Head of Organisational Development, will draft the final report. The report should cover:

- Background to the review – identification of the scrutiny topic and how it came to the Committee's attention;
- People who have been consulted;
- Work that has been undertaken;
- Key messages arising from the investigation;
- Conclusions and recommendations;
- Monitoring and review mechanisms;

Once the investigation has been completed and options agreed by members of the Committee, these need to be appraised to ensure that they are appropriate and will add value to the work of the Council. During this process, some options could be discarded, others agreed and some amended.

Reporting Recommendations for improvements

The Audit and Scrutiny Committee's ability to have an influence on the process of service improvement will rely on how robust and practicable the final recommendations are.

The recommendations must be evidence-based, with clear links to the key messages arising from the investigation and the outcomes established at the outset.

Recommendations should also support the following;

- *Improving services for the people of Shetland*
- *Helping the Council use its resources more effectively*
- *Helping the Council to deliver services more efficiently*
- *Helping deliver better value for money*

Publicising the outcomes of scrutiny work will help to raise the profile of the scrutiny function, demonstrate how the public can be involved and how their views have been taken into account. As a result, once the report has been completed and recommendations made, a press release should be released and people told where they can get a copy of the full report.

Feedback and Monitoring

The Convenor will produce a response to the Audit and Scrutiny Committee once the Council has considered the recommendations arising out of the report. This response will include identifying whether or not the recommendations were accepted and will propose an action plan which identifies how the accepted recommendations will be delivered.

In order to ensure that the scrutiny work has made an impact, the Committee will establish its requirements for ongoing progress reports. The Head of Organisational Development, in liaison with the Service area concerned, will collate these. The Committee may choose to revisit the topic or specific elements of the topic if the impact is not as significant as it was expected to be or progress is not satisfactory.

7. Monitoring the scrutiny function

Summary report at the end of the year

An annual report will be produced by the Committee and submitted to the full Council in July each year. This will set out the areas that have been covered and the outcomes that have been achieved by the Committee in the previous session.

The report will be a key document in maintaining the profile of the Committee with Members and officers, the public, partners and stakeholders.

Details of past scrutiny activity can also be accessed through the following link to the Council Information System (CoInS).

<http://www.shetland.gov.uk/coins/committe/meeting/347.htm>

8. Contact details

If you have an issue you would like to raise with the Audit and Scrutiny Committee, the following contact details provides you with a way of getting in touch with members.

Audit and Scrutiny Committee Chair

Florence Grains – Home telephone number – 01595 840243

florence.grains@shetland.gov.uk

Audit and Scrutiny Committee Vice Chair

Allison Duncan – Home telephone number – 01950 460821

allison.duncan@shetland.gov.uk

Other members

Robert Henderson – Home telephone number – 01957 744392

robert.henderson@shetland.gov.uk

Addie Doull – Home telephone number – 01806 522284

addie.doull@shetland.gov.uk

Caroline Miller – Home telephone number – 01595 820271

caroline.miller@shetland.gov.uk

Jonathan Wills – Home telephone number – 01595 694224
jonathan.wills@shetland.gov.uk

Laura Baisley – Home telephone number – 01957 702016
laura.baisley@shetland.gov.uk

Gary Robinson – Home telephone number – 01595 692158
gary.robinson@shetland.gov.uk

Officers

Policy Unit

John Smith, Head of Organisational Development – Telephone 01595 744513
jrsmith@shetland.gov.uk

Peter Peterson, Performance Management Co-ordinator – Telephone 01595 744538
peter.peterson@shetland.gov.uk

Committee Services

Anne Cogle, Service Manager – Telephone 01595 744554
anne.cogle@shetland.gov.uk

Legal Services

Jan Riise, Head of Legal and Administrative Services – Telephone 01595 744551
jan.riise@shetland.gov.uk

The information in this guide can be provided in other formats, for example large print, Braille or audio cassette, on request.

Appendix 1

Checklist to be completed by Audit and Scrutiny Committee before deciding whether a topic is to be included on the annual Scrutiny Work Programme

		√ / X
1.	The topic being proposed <u>is not</u> already the subject of a review or a recently completed review?
2.	Can the scrutiny work be successfully delivered within existing resources?
3.	Is the topic something that is of concern to the public?
4.	Does the topic support the achievement of the Council's corporate priorities?
5.	Will scrutiny lead to improvements for the people of Shetland?
6.	Will scrutiny lead to increased value for money?
7.	Has the topic been identified by Members/officers as a key issue for the public of Shetland?
8.	Is there new legislation or guidance that will require a significant change to the area to be investigated?
9.	Has the issue been raised by an external audit body?
10.	If not, are there any inspections planned in the near future?	_____
TOTAL		_____

(If 6 or more ticks – the topic can be considered for inclusion in the Scrutiny work programme)

Appendix 2

Template Terms of Reference for Scrutiny Investigation

To be completed by the Audit and Scrutiny Committee, with support from the Head of Organisational Development, before any formal scrutiny investigation is started.

1. Background and rationale to investigation

Please note: This has been completed for illustrative purposes only – data is not actually correct:

During the 9-month and 6-month service performance reviews it became clear that there had been considerable slippage in the targets for improving access to Council premises for people with disabilities.

This was further supported by the Report CE-08-F, which put the SIC's performance into context alongside that of the Western Isles and Orkney Islands Councils. This showed that the SIC was ranked 30th out of 32 Scottish local authorities on this indicator and well below both of these comparator Councils.

Having carried out a risk assessment, it was felt that this area could pose a significant risk to the Council. The Council is effectively failing to meet a statutory duty. It was also something which Audit Scotland commented on in their report on Best Value and Community Planning in the SIC (March 2005) so it is an area that requires attention.

2. Scope

What is going to be included?

Clarify what the Council's statutory duties are and repercussions of failure to comply with these.

Asset and Property Unit's performance against targets on this indicator for the past 2 years.

What is not going to be included?

The performance in respect of other functions within the Asset and Properties Service.

Other areas relating to Equality and Diversity.

3. Overarching questions

This work will identify:

Why has the performance of this section been allowed to slip?

What are the reasons for the slippage?

How can this be addressed?

Are there other ways to organise service delivery so that performance can be improved?

What are the implications for the Council of not addressing these?

4. Expected outcomes

What do we want to happen as a result of the investigation?

Remedial action will be identified to address the issues identified.

Staff will feel that the matter has been taken seriously at a senior level in the organisation and that they are being supported in dealing with it effectively.

The public will be reassured that the Council has taken steps to improve an area of service delivery that is under performing.

5. Who will be involved in the investigation?

We will be inviting:

Service Manager – Asset & Properties

Head of Legal and Administrative Services

Chairperson Social Forum – Member with identified responsibility for this area in Corporate Improvement Plan

Possibly – Service users in the past 12 months

6. Methods that will be used to investigate the topic:

We will use the following approaches to investigate the issues:

Face to face discussions with staff members – attendance will be required at a Scrutiny Committee meeting.

Service users will be invited to provide comments – these can be either written or verbal, depending on whether they are to be invited to attend the Committee meeting.

Collation of written evidence, in line with Committee requirements outlined in Section 7.

7. Evidence required:

Start of year, 6-month and 9-month performance review reports for Asset and Properties

Asset and Properties Service Plans 2005-06 and 2004-05

Comparative information from other Scottish local authorities – Statutory Performance Indicators.

8. Resources required:

Officer time:

3 days to gather and collate evidence required by the Committee

Member time:

½ day Scrutiny Committee meeting to interview officers and Convenor

9. Timescales

Duration:

Investigation – 1 month (to be completed by 5th June)

Draft report prepared, with input from Head of Org Dvlpmt, as appropriate – 20th June

Report considered by Scrutiny Committee and finalised – 29th June

Report submitted to full Council for consideration – 5th July

Key milestones:

To have substantially completed investigation within 1 month.

To have presented report to full Council before the summer recess.

NOTE: Once complete, a copy will be supplied to all members of the Audit and Scrutiny Committee and the Head of Organisational Development.