

To: Patrick Melia, Chief Executive, Sunderland City Council

Sunderland City Council
February 2022

Dear Patrick,

Scrutiny Improvement Review – CfGS consultancy support

I am writing to thank you for inviting the Centre for Governance and Scrutiny (CfGS) to carry out an evaluation of Sunderland City Council's scrutiny function. This letter provides feedback on our review findings and offers suggestions on how the Council could develop its scrutiny process.

As part of this feedback stage, we would like to facilitate a workshop with Members and Officers to reflect on this review and to discuss options for improvement.

Background

Sunderland City Council commissioned CfGS to advise and support its Members and Officers in a review of the Council's scrutiny function to ensure that it is effective in providing a quality contribution in accountability, policy and decision making, delivery of Council plans and overall improvement.

Sunderland has determined that it wishes to carry out a review to support it to:

- Set the strategic objectives for the scrutiny of services (both Council and partners)
- Develop a shared understanding of the purpose and crucial role that scrutiny plays
- Ensure that the scrutiny work programme is effectively designed to provide rigour and depth
- Focus on the priorities that matter most to local people
- Identify who, when and how scrutiny holds to account – focus on accountability
- Suggest areas where more in-depth scrutiny enquiries may assist the process such as specific task and finish groups
- Provide evidence of the impact of scrutiny and demonstrates that it plays an effective role in ensuring that decisions are effective and drive service improvement

Current scrutiny arrangements include one formal, overarching Co-ordinating Scrutiny Committee with a co-ordinating function in relation to the broad strategic issues which may fall within the remit of more than one service-based Scrutiny Committee. In addition, three themed, service-based Scrutiny Committees have the role of scrutiny of service improvement in relation to Health and Wellbeing, Economic Prosperity, and Children, Education and Skills.

CfGS undertook a review of these scrutiny arrangements, involving evidence gathering online through conversations with Members and Officers, including the Council Leader and Cabinet Members, Group Leaders, Scrutiny Chairs, Members of the Scrutiny Committees, the Council's senior leadership team as well as Democratic Service Officers. In addition, we reviewed key documents and conducted a Member survey.

The following four elements were used as a framework for discussion, and to ensure that all key aspects of the Council's activity are evaluated and mapped against the council-specific areas of focus identified above.

1. Organisational commitment and clarity of purpose

2. Members leading and fostering good relationships
3. Prioritising work and using evidence well
4. Having an impact

The review was conducted by:

- Ed Hammond – Deputy Chief Executive, Centre for Governance and Scrutiny
- Kate Grigg – Senior Research Officer, Centre for Governance and Scrutiny

The findings and recommendations presented in this letter are intended to advise the Council in strengthening the quality of scrutiny activities, increasing the impact of its outputs, and through its Members, to develop a strong and shared understanding of the role and capability of the scrutiny function.

Summary

Scrutiny at Sunderland is overall performing well.

There are though a range of actions that could be taken to tighten up ways of working, and to ensure that the function continues to focus on the things that really matter for the council and for local people. As the area emerges from the pandemic the time is right to reflect, refocus and reprioritise.

Tackling these matters now – which should be manageable, and which will involve tweaks to ways of working and investment in some additional training and support – should be straightforward.

Most important is the need for concerted and proactive member leadership. Councillors are committed to scrutiny, and want to see it succeed. However, Sunderland's fairly traditional ways of working could do with review and refreshing – particularly given the different dynamics that have come with the shift in political balance at the authority.

The report below sets out some key potential actions:

- A new and clearer focus for scrutiny, led by councillors and vocally supported by the authority's leadership;
- A refreshed approach to work programming, informed by proportionate access to relevant information (including a new approach to public involvement) and;
- More consistency in how the impact of scrutiny's work is monitored, and understood.

Findings

1. Organisational commitment and clarity of purpose

Overall, the Council has a strong ongoing commitment to supporting scrutiny. Senior officers and Cabinet support scrutiny's work, and want to find ways for it to succeed.

As is the case in many councils, this commitment in theory can struggle to make itself felt in practice. All those we spoke to believed that there is the opportunity to make improvements to scrutiny. However, it has been difficult to find agreement on what those improvements might be, and the role that the council's leadership might have in moving things forward.

The function has been historically well-regarded and continues to carry out work of a high quality, but there is evidence of a difficulty more recently in ensuring that the function is focused – evidenced in part by the approach taken to work programming, which we discuss in more detail below. This is not fundamental in nature, but if unaddressed, could risk the emergence of more serious problems.

Members involved in scrutiny could do more to articulate the role that scrutiny should play in being an integral part of the council's governance and decision-making structure and contributing to the council's budgetary and policy making function. Clarity on scrutiny's role will make it easier for scrutiny members to engage with the executive productively. A lack of consistent agreement, or reflection, on what scrutiny is fundamentally for is at the core of this challenge. This looseness feeds through into an approach to work programming which lacks clarity (as we note in more depth below).

Through the conversations we conducted, scrutiny has often been characterised as either retrospective or reactive, focused on the Council's past and immediate action rather than the upcoming risks and opportunities for the city. This is not universally the case, but there should be a recognition that scrutiny needs to be able to probe and challenge more effectively on more strategic issues, especially those that are relevant to the challenges facing the Council. Scrutiny also needs to operate where it can have influence, and where it can input into the decision-making process at an earlier stage than it does currently. More regular engagement between scrutiny and the executive may lead to opportunities for the function to be more involved in policy development. This may involve a commitment to earlier access to and involvement with the core policy and decision-making activities of Cabinet – through review and consideration of the City Plan and Cabinet Forward Plan.

Cabinet members do attend scrutiny meetings, but there needs to be more consistency about the circumstances in which they are invited, and attend. When cabinet members do attend, the focus should be on their political accountability, with members preparing beforehand to be able to ask probing questions based on the tabled reports.

All of the above is founded on regular communication. Regular communication between scrutiny and Cabinet can help put scrutiny on a more equal footing will help create conducive conditions for effective challenge to happen, and will bring benefits in terms of improved decision-making.

This will need to happen in parallel with scrutiny choosing to scrutinise topics in such a way that Cabinet member attendance will add clear value, as we go on to discuss in more depth below.

We would recommend:

- **Clarity – led by scrutiny members themselves – on the role and purpose of scrutiny.** Scrutiny should be seen as a vital part of the governance framework, with the scrutiny function carrying out work which fills a defined niche.
- **Commitment from the executive to work with and actively support scrutiny's role, in particular through the development of a Cabinet-Scrutiny protocol.** A Cabinet-Scrutiny protocol should deal with the practical workings of scrutiny as well as ensuring that mutual expectations are understood and managed well. It might also be useful for feedback on scrutiny's recommendations to be formalised within the protocol, in order for the committees to monitor the progress of their output. Ultimately the council should look to promote a spirit of "parity of esteem" between scrutiny and the executive.
- **Scrutiny committees reviewing the way in which their work programme aligns with the Council's City plan and forward plan.** This will provide an opportunity to hold the Leader and portfolio holders to account for delivery of the city plan, and will ensure that scrutiny's work continues to be relevant to the authority's main priorities.

2. Members leading and fostering good relationships

Good governance is a collective responsibility and is as much about culture and behaviour as it is about systems.

Scrutiny's success is dependent on the right Members, with the right capabilities and attributes, leading and managing the scrutiny function. Chairs have a vital task in leading the committee, ensuring that it builds and maintains strong relationships with the Cabinet, Officers and relevant external partners. Sunderland is clearly committed to Member development, and training was raised by some Members who were aware of the gaps in their knowledge and understanding.

It was highlighted in interviews by opposition members that they would like a different approach to chairing to be considered. There is no single right approach to selecting Chairs - the emphasis ought to be on selecting Chairs based on skill set and capability, as well as providing ongoing training and support. However, there are potential benefits to taking a more pluralistic approach to leadership arrangements on scrutiny, and we suggest that there is potential to explore more leadership roles and responsibilities being made available to the opposition.

Generally, there appears to be a collegiate approach amongst most scrutiny Members, this was emphasised by Members sitting on Health and Wellbeing Scrutiny Committee. However, from our conversations some highlighted that scrutiny was not always a politically neutral space, where Members work effectively as a team. This includes planning work, and planning lines of questioning for Cabinet. There are disagreements about the role that opposition councillors should perform – particularly in respect of the leadership of the function. Recent changes to political balance in the authority have raised the profile of these disagreements. We should stress that disagreement and contention are an integral part of the scrutiny process – the important thing is that members should have the skills, capacity and support needed to address these matters in a way that satisfies, cross-party. As things stand, it has proven difficult to find the necessary solutions.

We heard that proactive engagement between scrutiny and Cabinet could be improved before and after scrutiny meetings. Regular communication between scrutiny Chairs and Cabinet Members (as set out in the section above) is a positive and essential part of ensuring that scrutiny is properly sighted on important issues. Chairs having more structured communications would encourage greater collaboration. This could be strengthened and enhanced through timetabled individual committee quarterly triangulation sessions – an opportunity for member-led planning and discussion of emerging priorities.

Scrutiny meetings in Sunderland can often favour detail over strategy and may overlook the bigger picture. The quality of questioning in scrutiny varies; in some instances, it is forensic and probing, but it is often more general and exploratory and sometimes superficial. There was a general sense from interviewees that questions often do not focus on the right issues and that, if they do, they do not do so in quite the right way. Some Members tend to ask information-gathering questions, rather than questions which explore and challenge issues. Training and development on questioning skills, aligned to the approach on work programming that we talk about below, should be seen as a priority. It is also likely to help if scrutiny is able to draw on the expertise of independent technical experts. Co-option (probably onto individual task groups rather than as standing members of committees) might provide a way to bring in this expertise – alternatively, some councils have in the past secured support from local academics on a more informal basis.

Although we heard there are scrutiny pre-meetings, there is little evidence from the minutes (or from the evidence we took from councillors) of co-ordinated questions or Members acting as a team with clear lines of inquiry. Pre-meetings should allow Members to give voice to their objectives for meetings and allow mutual motivations to be understood and questioning strategies

to be agreed. It is likely that differences (especially between groups) will remain and will in some cases be significant, but the airing of these differences will make it easier for Members to understand where consensus is possible. Pre-meetings need not be formal, resource-intensive events, and need not happen prior to every meeting, but should certainly be seen as a necessity when a scrutiny committee is preparing to look into a complex or high profile topic.

We would recommend:

- **Developing regular communication and information sharing so that scrutiny can be a resource that can inform Cabinet decision making (aligned to our recommendations below on work programming).** This could be achieved through reintroducing triangulation meetings between scrutiny Chairs, Cabinet Members and relevant Directors to consider future issues and the part which scrutiny could play in testing and shaping these forward plans. If the role and function of these meetings were tightly defined, and in line with our earlier recommendations on scrutiny's role, such meetings would also present an opportunity to share and discuss opportunities to involve scrutiny as an improvement asset.
- **Further steps need to be taken to improve cross-party working in scrutiny.** We expect that the development of a clear role for scrutiny, which is understood by all councillors (as suggested in the previous section), will help to develop a more collegiate atmosphere. This will not happen automatically. However, there was a perception that cross-party working could be further developed and a broad agreement that all Members have a duty to uphold their responsibilities as a scrutineer, attend meetings and work towards a shared goal in their committee. The council could consider cross-party mentoring or the drawing in of external coaching and mentoring support from the LGA to support a shift in mindset.
- **Training and development sessions for all committee members to develop a common understanding of what "good" scrutiny practice looks like.** Requiring scrutiny Members to attend basic, introductory training can provide a shared foundation of the powers and purpose of Overview & Scrutiny and how it can work in practice. Officers and Group whips should work together to highlight the importance of such training, and to ensure attendance. We think that it is likely that this introductory training would surface other development needs; the council may therefore need to revisit its member development strategy to expand its general support offer to scrutiny members.
- **Where necessary, securing technical assistance for councillors on more complex reviews** - To assist scrutiny Members in becoming more capable to develop questioning strategies on complex issues that will deliver high-impact and value-adding scrutiny, other councils have explored the appointment of technical advisers, or co-optees who can bring particular professional or personal experiences. Scrutiny councillors should consider, as part of work programme conversations, where drawing in outside support could bring benefits.

3. Prioritising work and using evidence well

Work programming is key to ensuring scrutiny stays focussed on strategic issues where it can make an impact, whilst making the best use of time and resources. In this respect prioritisation is essential, and scrutiny could benefit from an agreed methodology to filter and select topics for the work programme, as currently the methods by which topics on those programmes are selected is unclear.

We noted that each committee has a workshop at start of the year for work programming. Some interviewees felt that individual resident complaints seem to feature heavily in the work programme topics proposed by members, and the workshop for Health and Wellbeing Scrutiny was reported as a forum for personal concerns rather than evidence-based priorities. It is appropriate for the concerns of the public to inform scrutiny work programming; councillors may need to demonstrate more clearly with reference to other evidence why such concerns demonstrate the presence of a systemic issue that deserves scrutiny's time.

A number of members feel they have limited ownership in shaping the work programme and are not clear on how the agenda is set, and by whom. Some people told us that they felt that scrutiny can focus unduly on certain members' "hobby horses". Although it is difficult to see consistent evidence of this from agendas, minutes and reports, the way in which agendas are developed, meeting to meeting, could allow such a view to be fostered, and scrutiny members might need to consider the steps they take to identify and then justify the placement of an issue on the programme. As we have already noted, there is evidence to suggest that scrutiny's approach is fairly reactive – that it focuses more on immediately forthcoming decisions, rather than on broader, strategic matters. There is nothing intrinsically wrong with this approach, but part of a review of scrutiny's overall role should consider if it has the potential to deliver the greatest impact.

In our view members need themselves to collectively exercise more direction on the matters on which they want to focus. The first step will be the agreement of an overall role for scrutiny (as set out in the first section above). The second is the use of this tighter role to prioritise work, in a process led by councillors. Councillors should be responsible for satisfying themselves as to the value, and outcome, of every matter coming to scrutiny. This means more rigour both on topics to be scrutinised and on who is invited to give evidence on those topics.

Good work programming itself relies on more consistent access to high quality information and forward plans, and other management information. Members of all parties will need training and support to understand what high quality information should look like, and what they as elected representatives should expect to see. The 2019 statutory guidance on overview and scrutiny contains advice on how councillors and councils can go about managing information flows; in the short term, a key focus will lie in ensuring that matters are not brought to committee purely for information, with more efficient mechanisms (such as all-member, or Group, briefings) being used to "inform" members of ongoing council business. Currently most items on scrutiny agendas are 'to note' or 'for information' and reports presented to committees tend to be dominated by updates and progress reports. In part this reflects the unusual and unique circumstances prevailing during the pandemic but it was also a feature (less prevalent) of the pre-March 2020 work programme, and so the practice needs consideration.

Another key aspect of information-gathering is gaining insight from the public. We have not seen consistent evidence of scrutiny seeking to engage local people in its work. This is not atypical. Scrutiny functions around the country struggle to engage the public for a range of reasons. But it is important to make the attempt; with a renewed role and a more targeted work programme, scrutiny councillors should reflect on those issues most likely to capture the interest of the public, and the council should consider providing professional communications support to assist members in developing the strategies they need for success.

We would recommend:

- **Further strengthening the annual process for developing work programmes for each scrutiny committee** - Engaging Members, Officers, partners and the public to prioritise the topics for review. This could include selection criteria to identify appropriate topics for the work programme – although care will be needed to ensure that the use of criteria, if adopted, does not become a bureaucratic process. Ultimately, the principal criterion that should be satisfied by every item being considered by scrutiny is – by looking at this will we be able to make a difference to local people's lives? Making time outside committee for more detailed discussion of the work programme would also be sensible - currently the work programme is towards the latter end of the agenda at scrutiny meetings, which inevitably means that less time is spent on it.

Some councils have a single work programme for the entirety of the scrutiny function, rather than individual work programmes for each committee. We do not think that this is the right course for Sunderland at the moment. However, we do think it is important that, in developing work programmes, the chairs and vice-chairs of committees have ongoing regard to the work programmes being developed by other committees. Existing co-ordination does happen, but we think this could benefit from more reflection and challenge to ensure not only that committee agendas are aligned, but that scrutiny resource overall is directed towards those areas of greatest importance – even if this means that some committees have less business than others.

- **Changing the way that information is provided to Councillors for oversight, cutting back on the number of items coming to scrutiny solely for information.** – Making greater use of briefings and the performance information available to Members outside of committee should assist with this. We have suggested, in published material, that councils might consider the regular production of a member "information digest" to make this process more manageable.
- **Securing professional communications advice to improve the way that scrutiny engages with the public.** Rather than an open-ended resource, we think that some support will be needed to get a more rigorous approach to public engagement started, with members being expected to take the lead in due course. Practically speaking this could result in scrutiny going on more site visits in the community, inviting the public to offer ideas for work programmes, and greater use of social media channels for resident input and communicating the progress and impact of scrutiny work.

4. Having an impact

Scrutiny has to make an impact – it has to make some tangible difference to the lives of local people. By participating in scrutiny, elected councillors are fulfilling an important part of their role – it serves their interests, the interests of local people and the interests of local democracy that challenge can be brought to decision-making and that a wider range of voices can be involved in policy development, all with a view to secure meaningful outcomes from scrutiny's work.

But the performance of the scrutiny function is not just of interest to the Council itself. The effectiveness of scrutiny is often considered by external bodies such as auditors and inspectors - and has been highlighted in the recent public interest reports of local authorities undergoing intervention measures – through Best Value reviews and Ofsted and CQC inspection. Weaknesses in scrutiny can therefore create a negative public image of the work of the Council as a whole, and can often be indicative of an organisational culture that is not open to challenge, or failures in service areas.

Scrutiny's impact, as it stands, is difficult to discern. As in many councils we think it is likely that scrutiny does make a difference – that it sharpens up policymaking and brings a different dynamic to the oversight of council services generally. But these outcomes are not captured, and officers and members have found it difficult to articulate to us what the tangible results of scrutiny's work might be.

Some of these limitations rest on the work programming matters we have already discussed – for example, it was highlighted that scrutiny does occasionally receive draft strategy, but it's often very close to decision stage, so scrutiny's potential influence in testing or shaping this strategy is minimised.

Scrutiny Chairs draw conclusions and consensus together well on the conclusion of business in committee, although they don't always appear to be able to find strong recommendations or outcomes from their enquiries to offer to the Cabinet as improvement or challenge proposals. By and large, scrutiny ends its consideration of a matter by simply noting it – a suboptimal approach which does little to satisfy that the function is making a difference.

We note that Cabinet Referrals and Responses forms a part of each scrutiny agenda, but scrutiny members expressed a need for more feedback on scrutiny's reports and monitoring scrutiny's outputs. For scrutiny at Sunderland to achieve greater impact, scrutiny needs to provide a regular source of quality recommendations to the Cabinet, and the Cabinet needs to provide clear feedback so that scrutiny's effectiveness and contribution can be tracked.

There appears to be support from Members to resume the use of task and finish style work to focus on shaping policy or exploring issues of community concern where the council or its partners may need to respond. These task and finish groups or similar focused 'project scrutiny' can, if used well, build more versatility and agility for scrutiny. This can add significant impact and quality to scrutiny activity, and can often assist cross-party working. But task and finish work must be clearly scoped, resourced, time-limited and with clear objectives to be useful and effective. We understand that the use of task and finish arrangements has been limited for logistical reasons over the course of the pandemic

We would recommend:

- **Reviewing how recommendations are made and how impact is measured** – This could include – in the short term - putting a 'recommendations monitoring report' at the beginning of agendas to orientate scrutiny towards outcomes-focused meetings. We think that this would be a temporary measure to focus minds formally on outcomes. Alongside this would come an emphasis on finding strong recommendations from questioning to present to Cabinet (or partners).
- **Considering greater use of task and finish groups** – This more informal type of scrutiny can allow improved cross-party working and detailed investigation of a single issue focussed on producing substantive recommendations. It has yielded success for scrutiny in Sunderland in the past. We do recognise the additional resourcing implications of these groups; they tend to be most successful in dealing with the most complex and contentious issues, and we hope that the authority would recognise that finding cross-party consensus on such matters provides a reason to reinvest in this way of working.

Thank you and acknowledgements

We would like to thank the Chairs, Members of the scrutiny committees, Cabinet Members and Officers who took part in interviews and the survey for their time, insights and open views.

Yours sincerely,

Ed Hammond
Deputy Chief Executive