

Strengthening Overview and Scrutiny in 2018-19



TOWER HAMLETS

May 2018

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Summary of Recommendations

Recommendation 1

The Council updates the Overview and Scrutiny Toolkit to clarify:

- the roles and responsibilities of the Chair and Scrutiny Leads
- scrutiny processes for officers and members before, during and after committee meetings
- how residents can get involved in scrutiny at Tower Hamlets

Recommendation 2

The Council widely publicises the updated Overview and Scrutiny Toolkit among Council members, officers, partners and local residents.

Recommendation 3

The Overview and Scrutiny Committees and sub-committees are supported by the Executive to enhance their role in scrutinising improvement activities across the organisation.

Recommendation 4

The Scrutiny Lead for Resources explores how grants and community commissioning scrutiny can be developed in 2018-19 to reflect the Council's new focus on commissioning.

Recommendation 5

The Council develops and implements a training programme for members to include:

- an induction into the role and mechanisms of scrutiny (all members)
- core skills for scrutiny members, such as effective questioning, budget scrutiny, reviewing the improvement framework, outcome based approach, scrutinising partners
- tailored one to one training for scrutiny members, based on specific needs.

Recommendation 6

The Council develops a training programme for officers:

- in service areas to improve understanding of scrutiny processes and embed a scrutiny culture across the organisation
- in scrutiny functions, to assist officers support scrutiny members more effectively.

Recommendation 7

The Overview and Scrutiny Committee and scrutiny sub-committees develop a work programme, focusing on priority areas such as:

- the Council's Improvement Agenda
- delivering the strategic plan
- linking performance and budget scrutiny.

Recommendation 8

Scrutiny sub-committees lead on budget and performance scrutiny throughout the year for relevant service areas.

Recommendation 9

The directorates ensure regular engagement between scrutiny leads and relevant corporate and divisional directors and Cabinet members.

Recommendation 10

The Council recruit statutory and non-statutory co-opted members to all scrutiny committees to strengthen local people's voice in scrutiny.

Recommendation 11

The Council explore how local residents, community representatives and voluntary organisation representatives can be co-opted into scrutiny challenge/review panels.

Recommendation 12

The Council develops a scrutiny communications and engagement plan to promote the role of scrutiny and facilitate local residents, community groups and partners to engage in scrutiny activities, including contributing to the development of the work programme.

Recommendation 13

The Council explores where 'independent expertise' exists in the borough, taking account of existing networks and contacts, and how this could be used to assist independent scrutiny of services.

Recommendation 14

The Council develops a scrutiny monitoring and evaluation tool to evaluate the impact of scrutiny throughout the year.

1. Executive Summary

- 1.1 This report reviews the overview and scrutiny arrangements of the London Borough of Tower Hamlets (Tower Hamlets) against the national and local context to assess their effectiveness and identify areas for improvement. This report makes 14 recommendations to strengthen scrutiny in 2018-19.
- 1.2 The Communities and Local Government Committee (the Select Committee) carried out the first comprehensive assessment of scrutiny arrangements, since their introduction by the Local Government Act 2000, and published its final report in December 2017 (the Select Committee Report).
- 1.3 The Select Committee Report, entitled 'effectiveness of local authority overview and scrutiny committees', makes 21 recommendations focusing on the themes of organisational culture, parity of esteem between scrutiny and the executive, independence, member training and skills, role of the public and scrutinising public services delivered by external organisations.
- 1.4 In March 2018, the Government published its response to the Select Committee Report and accepted most but not all of the recommendations aimed at the Government (Government Response).
- 1.5 The Government Response notes that scrutiny plays a vital role in ensuring local accountability on a wide range of local issues and comments that the Government is committed to ensuring councils:
 - are aware of the importance of scrutiny
 - understand the benefits of effective scrutiny
 - have access to best practice to inform Councils' thinking.
- 1.6 However, the Government Response comments that Councils are best-placed to shape scrutiny arrangements to suit local needs, and recognises the flexibility local authorities need to put those arrangements in place. In particular, the Government Response highlights that is wary of imposing particular arrangements on local authorities, such as the election of chairs, prescribed resources and training, Government monitoring systems and how to hold external bodies running public services to account.
- 1.7 The Strategy Policy and Performance team has undertaken a review of the effectiveness of scrutiny arrangements at Tower Hamlets, based on the themes of the Select Committee Report and feedback from Councillors, officers and the Centre for Public Scrutiny (CfPS).

1.8 In particular, the Report bases 'effective scrutiny' on the CfPS's following four principles, which set out that good scrutiny:

- provides a constructive "critical friend" challenge;
- amplifies the voices and concerns of the public;
- is led by independent people who take responsibility for their role
- drives improvement in public services.

1.9 The following key areas of improvement have been identified to strengthen scrutiny arrangements in Tower Hamlets:

- **Clarifying roles and processes** through updating guidance.
- **Remit of the Overview and Scrutiny Committee and its sub-committees** to strengthen scrutiny's role in reviewing the Improvement Framework and exploring grants and community commissioning scrutiny.
- **Developing the skills of committee members and officers** through training
- **Effective work programming** through focusing on priority matters to residents and sub-committees leading on performance and budget issues
- **Amplifying the voice of residents** through co-opted members and developing a communications and engagement plan
- **Using local Independent expertise** to review service delivery
- **Monitoring and evaluating** the impact of scrutiny by developing an evaluation tool.

2. Context

2.1 National Context

Introduction of scrutiny arrangements

2.1.1 The Local Government Act 2000 (Act) required local authorities to establish new executive arrangements, consisting of either a leader or elected mayor and cabinet members. The arrangements replaced the ‘committee system’, in which decisions were made by meetings of the full council or in cross-party committees. To offset these new centralised executive arrangements, the Act also required local authorities to set up at least one overview and scrutiny committee. The overview and scrutiny committee, consisting of non-executive members of councils, mirrors the relationship between Parliament and government¹.

Role and remit

2.1.2 “Scrutiny is an essential part of ensuring that local government remains transparent, accountable and open, resulting in improved public policies and services”². The principal role of the overview and scrutiny committee is to hold decision-makers to account by reviewing policies and decisions made by the council and other organisations involved in delivering public services³. Accordingly, the Localism Act 2011 consolidated scrutiny legislation and expanded the overview and scrutiny committee’s remit to review the work of key partner organisations and any matters, which “affect the authority’s area or the inhabitants of that area”⁴.

Legal powers and limitations

2.1.3 Overview and scrutiny committees have the legal power to:

- make reports or recommendations to the executive of the Council
- require that the Council makes information available to it, both in the form of written reports and by officer and cabinet member attendance at committee meetings
- require that the cabinet responds to its recommendations within a set time frame.

¹ Select Committee, Effectiveness of local authority overview and scrutiny committees, page 8. para 6

² Local Government Association, Scrutiny for Councillors, February 2016

³ Mark Sandford, Overview and scrutiny in local government, Briefing Paper No. [06520](#), 20 December 2017

⁴ Localism Act 2011, s.9F

- 2.1.4 For external organisations, the overview and scrutiny committee may require health providers⁵, crime and disorder strategy⁶ bodies and authorities of flood risk management⁷ to provide information and respond to committee reports. Health bodies and providers must also attend scrutiny meetings. However, for other organisations delivering public services, there is no requirement for them to attend and “their participation depends on...the ability of scrutiny committees to forge a positive working relationship”⁸.
- 2.1.5 Notably, the overview and scrutiny committee does not have a formal power to compel the Council or partners to make changes and, accordingly, effective scrutiny work relies on scrutiny’s evidence-based recommendations and informal influencing powers.

When scrutiny fails

- 2.1.6 A number of high profile cases have highlighted the devastating consequences of ineffective scrutiny and poor service delivery. The Francis Report was published in 2013, in response to poor care and high mortality rates at Mid Staffordshire NHS Trust. The Francis Report criticised a lack of understanding on local healthcare issues by members of the local authority health scrutiny committee. “Councillors are not and cannot be expected to be experts in healthcare. They can, however, be expected to make themselves aware of, and pursue, the concerns of the public who have elected them”⁹. In particular, the report notes that there was little real interrogation and an over-willingness to accept explanations.
- 2.1.7 Similarly, the Casey Report in 2015 on child sexual exploitation in Rotherham found a lack of effective challenge in Rotherham Council’s approach to scrutiny. In particular, the report found that “overview and scrutiny had been deliberately weakened” by an organisational culture, in which “challenge and scrutiny were not welcome”¹⁰. Further, committees were not able to access important information to hold the executive to account.

National review of scrutiny arrangements

- 2.1.8 The House of Commons appointed the Communities and Local Government Committee (the Select Committee) to carry out the first comprehensive assessment of scrutiny arrangements since their introduction by the Local Government Act 2000. The Select Committee considered evidence from a

⁵ Health and Social Care Act 2012

⁶ Police and Justice Act 2006

⁷ Flood and Water Management Act 2010

⁸ Select Committee, [Effectiveness of local authority overview and scrutiny committee](#), p.35, para 85

⁹ Robert Francis QC, [Report of the Mid Staffordshire NHS Foundation Trust Public Inquiry](#), Volume 1: Analysis of evidence and lessons learned, Chapter 6, Patient and public local involvement and scrutiny, page 557, paragraph 6.351

¹⁰ Louise Casey, [Report of Inspection of Rotherham Metropolitan Borough Council](#), page 76

range of sources, including written and oral evidence and a workshop in October 2017 and published its final report in December 2017 (the Select Committee Report). The Select Committee Report makes 21 recommendations focusing on the following themes:

- organisational culture
- parity of esteem between scrutiny and the executive
- independence
- member training and skills
- role of the Public
- scrutinising public services delivered by external organisations.

2.1.9 In March 2018, the Government published its response to the Select Committee Report and accepted most but not all of the recommendations aimed at the Government (Government Response).

2.1.10 The Government Response notes that scrutiny plays a vital role in ensuring local accountability on a wide range of local issues and comments that the Government is committed to ensuring councils:

- are aware of the importance of scrutiny
- understand the benefits of effective scrutiny
- have access to best practice to inform councils' thinking.

Accordingly, the government have agreed to update and publish new guidance later this year to replace guidance published in 2006¹¹.

2.1.11 Further, the Government Response reiterates the independent role of scrutiny, importance of chairs having the requisite skills and knowledge, the need for appropriate scrutiny resources and access to information and the role scrutiny plays in taking account of service users to shape and improve services.

2.1.12 However, the Government Response comments that Councils are best-placed to shape scrutiny arrangements to suit local needs, and recognises the flexibility Councils require to put those arrangements in place. In particular, the Government Response highlights the government is wary of imposing particular arrangements on local authorities, such as the election of chairs, how to hold external bodies running public services to account and

¹¹ Department for Communities and Local Government, New Council Constitutions: guidance to English Authorities, 2006

prescribing dedicated scrutiny support staff arrangements, scrutiny resources, training and monitoring systems.

National bodies supporting scrutiny

2.1.13 The CfPS is a non-profit organisation, which aims to improve public understanding of the role and impact of scrutiny and provides training and support to scrutiny members and officers across the UK. Over the last two years, CfPS has provided a programme of support to Tower Hamlets, which is referred to later in this report.

2.1.14 The Local Government Association (LGA) is a cross-party organisation that aims to promote local government issues with central government and strengthen local government capabilities. The LGA offers support to local authorities through leadership programmes, peer challenges, training and has produced guidance on scrutiny. The LGA will be invited to Tower Hamlets in June 2018 as part of a peer challenge review, which includes reviewing scrutiny arrangements.

2.2 Regional Context

2.2.1 The Greater London Authority (GLA), consisting of the Mayor of London and 25 members of the London Assembly, has a strategic regional authority over issues such as transport, policing, economic development and fire and emergency planning in greater London. Under the Greater London Authority Act 1999, the primary purpose of the London Assembly is to hold the Mayor of London to account and examine a wide range of subjects, which are “of importance to Londoners”¹². Local policies therefore need to feed into regional strategies, such as the London Plan, as part of the Council’s scrutiny work programming.

2.2.2 From a health perspective, following Lord Darzi’s vision for health services, Healthcare for London – A Framework for Action (Framework), the London wide Joint Overview and Scrutiny Committee (JOSC) was set up across 32 London boroughs. JOSC scrutinises whether the Framework’s proposals are in the interests of the health of local people and will deliver better healthcare for the people of London. Following on from this, at a sub-regional level, the Inner North East London Joint Health Overview and Scrutiny Committee was set up between the London Boroughs of Hackney, Newham, Tower Hamlets and City of London Corporation (JHOSC). JHOSC’s remit is to consider London wide and local NHS service developments and changes that impact all the authorities mentioned above.

2.2.3 The London Councils provides support to the London Scrutiny Network, which brings together overview and scrutiny committee members and scrutiny

¹² Section 59(2)(e), GLA Act 1999

officers across London local authorities. Tower Hamlets scrutiny members and officers have attended and contributed to training across London, benefiting from¹³:

- the ability to share best practice and discuss solutions to common problems across local authorities
- raising the profile of overview and scrutiny in Tower Hamlets
- discussing developments and their implications for overview and scrutiny
- identifying issues of joint concern and discussing methods for scrutinising these.

2.3 Local Context

Background

2.3.1 Tower Hamlets was one of the first local authorities to pilot an executive model of decision-making in early 2000 and created a scrutiny function consisting of a main overview and scrutiny committee and a number of subject matter sub-committees. At a national and regional level the Tower Hamlets scrutiny function was recognised for good practice in a number of areas, featuring in the CfPS' and the London Scrutiny Network's publications.

2.3.2 Over the last 18 years, scrutiny has evolved in Tower Hamlets in response to changing executive attitudes towards scrutiny. The recent experience of the previous Mayor not attending scrutiny committee meetings, save under threat of formal notice, demonstrated that even though there are statutory duties and powers supporting the holding of decision-makers to account, the effectiveness of scrutiny relies on buy-in and commitment of the organisational leadership. Government intervention further highlighted the importance of effective governance arrangements.

Changes from 2015

2.3.3 The newly re-elected Executive Mayor of Tower Hamlets, John Biggs, (Executive Mayor) spent 16 years as a London Assembly member and therefore brings with him an enthusiasm for improving scrutiny. In 2015, the Executive Mayor published a Transparency Protocol and the Overview and Scrutiny Committee established a Transparency Commission. Recommendations and actions from these pieces of work led to a review of scrutiny arrangements, which were then implemented in the municipal year 2016-17.

¹³ London Councils [website](#)

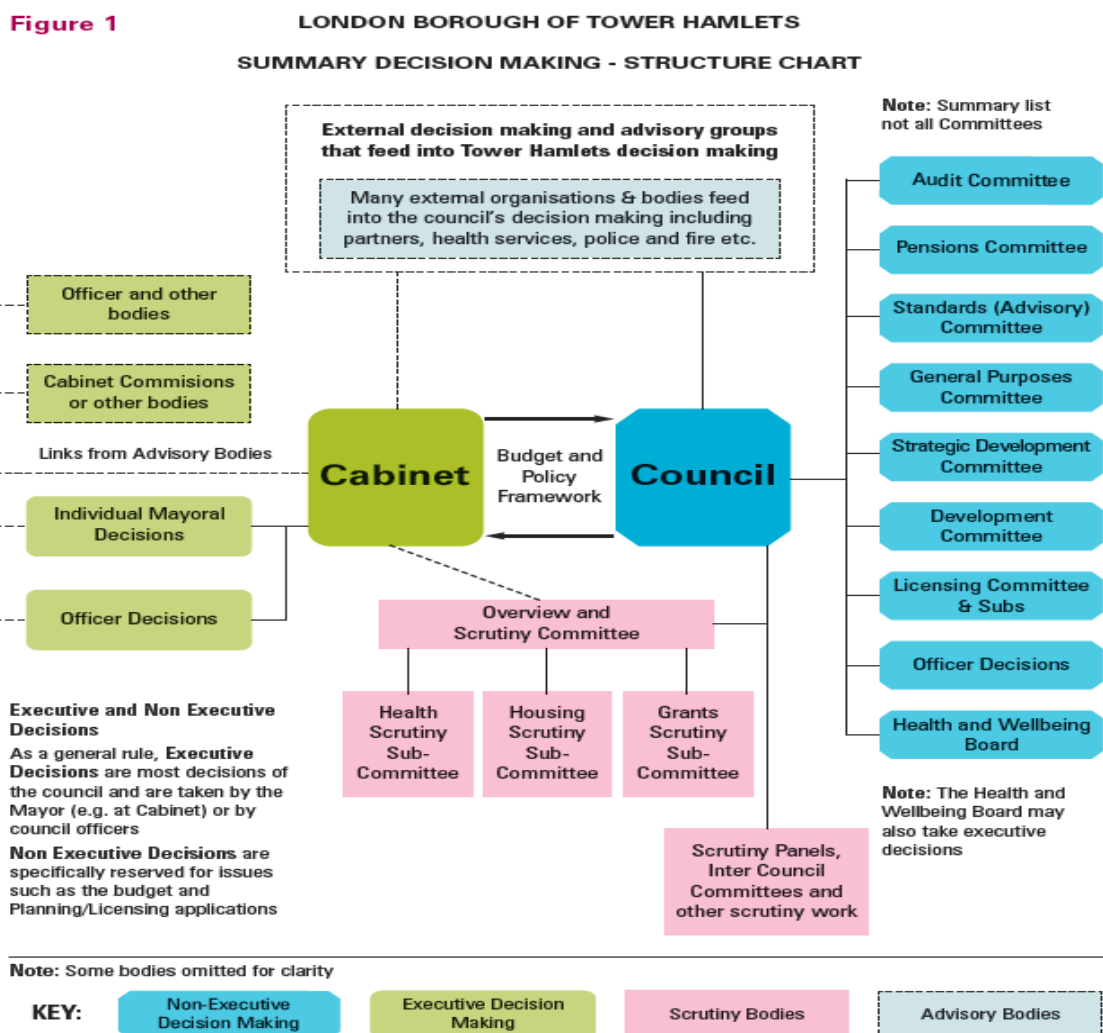
- 2.3.4 The Overview and Scrutiny Committee has developed several ways of holding the Executive to account, which include call-in of Cabinet decisions, pre-decision scrutiny, monitoring and challenge of performance and budget on a quarterly basis and spotlight sessions focused on specific areas or Cabinet portfolio areas. During 2017-18 there has been a real focus on pre-decision scrutiny. To facilitate this, the Overview and Scrutiny Committee meetings were moved before Cabinet meetings. Further, an agenda slot was scheduled on every Cabinet meeting for the Chair of the Overview and Scrutiny Committee to provide feedback on pre-decision scrutiny of Cabinet papers. In addition, Cabinet Members are invited and attend all meetings and task and finish groups related to specific scrutiny reviews in their portfolio areas.
- 2.3.5 Also, to raise the profile of scrutiny, an Overview and Scrutiny Toolkit (Toolkit) has been developed, in consultation with the CfPS, which provides guidance on scrutiny roles and processes.

Constitutional powers

- 2.3.6 In addition to the legal powers set out above, the Overview and Scrutiny Committee has a mandatory consultation role on all items that are the responsibility of full Council to agree rather than the Executive, including the budget. Article 6 of Tower Hamlets' Constitution specifies the Overview and Scrutiny Committee's policy and development powers as follows:
- Assisting the Council and the Executive in the development of its budget and policy framework by in depth analysis of policy issues.
 - Conducting research, consultation with the community and other consultation in the analysis of policy issues and possible options.
 - Considering and implementing mechanisms to encourage and enhance community participation in the development of policy options.
 - Questioning members of the Executive and/or Committees and chief officers about their views on issues and proposals affecting the area.
 - Liaising with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working

Scrutiny structure

- 2.3.7 The Council now has a main overarching Overview and Scrutiny Committee with three sub-committees, consisting of Health Scrutiny Sub Committee, Grants Scrutiny Sub-committee to ensure cross party pre-decision scrutiny of grants decision-making and Housing Scrutiny Sub Committee, reflecting the local priority on housing.
- 2.3.8 In addition to three sub-committees, the Constitution establishes Lead Scrutiny Members for Children’s Services, Governance, Health, Adults and Community, Place and Resources.
- 2.3.9 The Council also held the rotating chair in 2016/17 and 2017/18 for the inner North East London Joint Health Overview and Scrutiny Committee (JHOSC). The JHOSC is tasked with scrutinising health and social care plans and/or decisions that may affect one or more member authority.
- 2.3.10 The governance structure of the Council, including the Overview and Scrutiny Committee and its three sub-committees are detailed below:



3. Effectiveness

3.1 What is effective scrutiny?

3.1.1 The Select Committee Report notes that “at its best, scrutiny holds executives to account, monitors decisions affecting local residents and contributes to the formation of policy”¹⁴.

3.1.2 The CfPS sets out four principles of good scrutiny, as follows:

- Provides a constructive “critical friend” challenge;
- Amplifies the voices and concerns of the public;
- Is led by independent people who take responsibility for their role;
- Drives improvement in public services

3.1.3 For scrutiny to be effective it needs to be seen as a ‘critical friend’, rather than an adversarial confrontation. ‘Critical friend’ challenge can then help identify where decisions or policies can be improved and prevent mistakes being made or repeated. The Casey Report provides a useful description of what effective critical challenge means. “The notion of challenge has been misunderstood and misinterpreted as bullish questioning. Challenge means setting aspirational targets, knowing how far to stretch the organisation, asking searching questions, drilling down into information and data, ensuring targets are kept to and agreed actions implemented. It also means recognising organisational inertia and doing something about it; identifying when people are struggling, finding out why and getting alongside them, overcoming barriers and working out solutions”¹⁵.

3.2 Scrutiny in Tower Hamlets in 2017-18

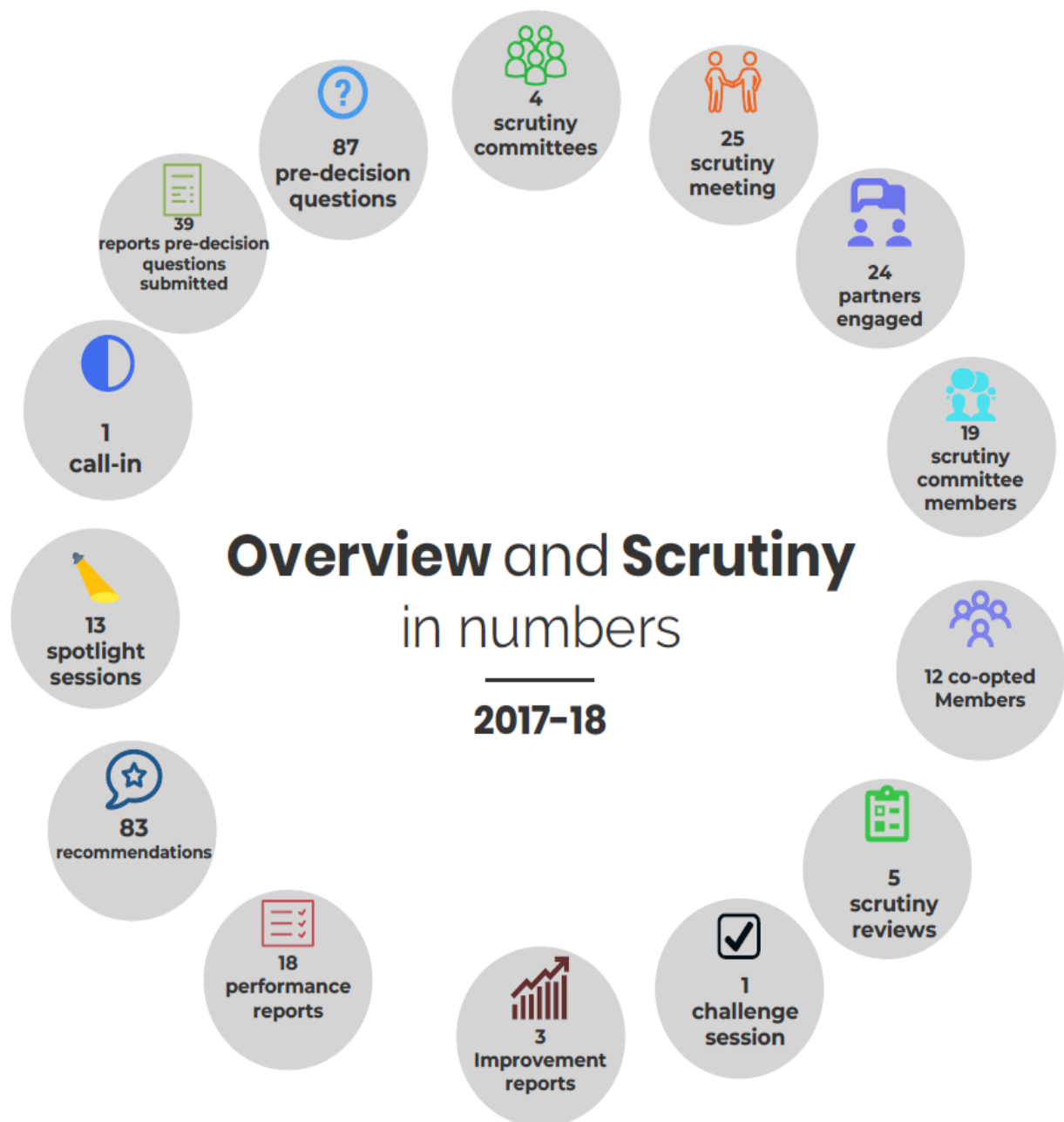
3.2.1 In assessing the effectiveness of scrutiny arrangements during the 2017/18 municipal year, this report reflects on the following:

- Key overview and scrutiny numbers
- Feedback from Members, officers and partners
- Overview of the impact of scrutiny in Tower Hamlets.

¹⁴ Select Committee, [Effectiveness of local authority overview and scrutiny committees](#), page 9 paragraph 8

¹⁵ Louise Casey, [Report of Inspection of Rotherham Metropolitan Borough Council](#), page 65

Key Overview and scrutiny numbers



Feedback from Members

3.2.2 Below is some of the feedback from Committee Members:

The Gangs Scrutiny work provided members not only with an opportunity to make recommendations to improve services and the safety of residents but also helped to increase the knowledge of members in relation to complex issues around child exploitation and county lines. This will help to ensure members are able to be more proactive in seeking solutions to these issues and have a wider appreciation of issues around the supply of drugs.

Scrutiny provides an opportunity to listen to the voice of people in Tower Hamlets to guide service delivery improvement.

Scrutiny makes a valuable contribution towards policy development and decision-making by promoting transparency, holding decision-makers to account and improving services for the people of Tower Hamlets.

It was beneficial for members to discuss case studies and to hear from the Young Mayor and Deputy Young Mayor so that we can appreciate more fully the experiences of young people in our borough.

Overview of the impact of scrutiny at Tower Hamlets

3.2.3 A range of scrutiny committee members were interviewed about their views on the areas highlighted in the Select Committee Report and the CfPS provided feedback on scrutiny arrangements at Tower Hamlets in 2017/18. The following areas were discussed:

- Organisational culture
- Parity of esteem between scrutiny and the executive
- Political impartiality and Independence
- ‘Critical friend’ challenge
- Driving service and budget scrutiny
- Mechanisms
- Member training and skills
- Resident engagement

Organisational culture

3.2.4 The Select Committee Report notes that each local authority will deliver scrutiny in different ways, depending on local needs. However, a common theme of local authorities with effective scrutiny arrangements was the culture of the organisation recognising the value and supporting scrutiny processes as part of the organisation’s governance arrangements.

3.2.5 Overall scrutiny members felt that the Council has a positive attitude towards scrutiny, which is supported by the Mayor’s attendance and commitment to improving scrutiny. In its feedback, the CfPS noted an emerging scrutiny culture but one which requires sustaining. This was echoed by scrutiny members, with one member highlighting that, despite the current supportive climate towards scrutiny, it is still possible to miss matters, such as the ‘inadequate’ Ofsted rating in Children’s Services. Members suggested further embedding and formalising scrutiny processes by developing clear role descriptions for scrutiny chairs and leads, updating toolkits and providing ongoing training to raise awareness of scrutiny processes for all members (including the Executive).

3.2.6 One member suggested that the function of the Statutory Scrutiny Officer and the Chair of the Overview and Scrutiny Committee could be further developed to advocate for scrutiny to lead officers to sustain a positive organisational culture.

Parity of esteem between scrutiny and the executive

- 3.2.7 The Select Committee Report highlighted that there is a risk that, with centralised executive decision-making powers, scrutiny can be seen as a less important branch of the Council's structure and therefore not supported by adequate resourcing. Scrutiny should have parity of esteem with the executive, including proportionate allocation of resources to produce independent and impartial policy advice.
- 3.2.8 Members commented that generally scrutiny enjoys good parity of esteem and is respected by the Executive. Members noted that scrutiny was adequately resourced for committee meetings and highlighted the useful development of key lines of enquiry. However, members also commented that officers supporting scrutiny reviews/challenge sessions could have additional support as Democratic Services does not currently support this function.
- 3.2.9 Further, members commented that it is important that officers maintain independence after the upcoming organisational restructure and concerns were raised about the recent high turnover of staff.

Political impartiality and Independence

- 3.2.10 The Select Committee Report notes that "scrutiny committees must have an independent voice and be able to make evidence-based conclusions while avoiding political point-scoring¹⁶". This is particularly relevant for scrutiny chairs, who must be seen to be independently minded and take full account of the evidence considered by the committee so there is no perception of impropriety. To safeguard scrutiny's independence:
- scrutiny must be sufficiently resourced
 - there should be an assumption of transparency so scrutiny members have access to information, particularly around financial and performance information,
 - scrutiny members, particularly chairs, operate in an apolitical, impartial way.
 - Scrutiny members review data from multiple sources and external advisors
- 3.2.11 The CfPS found that scrutiny committees mostly displayed cross party working and 'one team' behaviours. Further, adopting an evidence and risk-based approach to work programming, the development of Scrutiny Lead

¹⁶ Select Committee Report, page 13, paragraph 24

roles (aligned to key service and Council priorities) and the inclusive nature of the chairing of committees also assists in promoting political impartiality.

- 3.2.12 Members acknowledged the importance of the role of the chair in supporting impartiality and independence, such as ensuring all members' questions are reflected on, questions material to decisions are posed at Cabinet and sufficient time is allocated to scrutinise agenda items fully (particularly Cabinet Papers), which may require pushing back on requests to sign off urgent matters.
- 3.2.13 A number of members also recognised the merit of both statutory and non-statutory co-opted members on all scrutiny committees in strengthening independence and adding local people's voice to scrutiny. For this reason, it was also suggested that co-opted members have greater voting rights.

'Critical friend' challenge

- 3.2.14 The Overview and Scrutiny Committee chose to dedicate a significant portion of its time and attention to the Council's improvement work on Children's Services, given the Ofsted rating in April 2017 of 'inadequate'. A number of sessions were held with the Mayor, Chief Executive, Cabinet Member for Children's Services, Corporate Director of Children's Services and other officers on the Council's work to address the Ofsted Report's recommendations. Alongside this, the Committee also heard from the Independent Chair of the Children's Safeguarding Board, Independent Chair of the Children's Services Improvement Board and an Improvement Partner appointed by the Department of Education. Members recognised that scrutiny has an important role to play in providing challenge and support to this process in the future.

Driving service delivery improvement and budget scrutiny

- 3.2.15 The Overview and Scrutiny Committee held three sessions in January 2018, including a training session and two Overview and Scrutiny Committee meetings, to consider and challenge the budget proposals. Training focused on questioning techniques, focusing on the impact on residents and whether the budget represents value for money. The CfPS also developed key lines of enquiry to assist Committee members provide effective scrutiny.
- 3.2.16 The Overview and Scrutiny Committee noted that parents were not applying for free school meals due to the universal free school meals provision, leading some schools to lose funding (in particular the pupil premium). The Committee has since welcomed the Council's change in policy around Free School meals, requiring all parents to complete forms, to ensure schools receive funding and can continue to provide this service.

3.2.17 Following the budget scrutiny training sessions, Overview and Scrutiny Committee recommended incorporating budget scrutiny into the scrutiny subcommittee's work programmes throughout the year. Further, the CfPS highlighted that in 2018/19 scrutiny committees should maintain a focus on improving an outcomes based approach, cross referring this against performance outcomes and extending scrutiny to other areas (beyond budget and children's services issues).

Mechanisms

3.2.18 Scrutiny uses a range of mechanisms to hold the executive to account, including pre-decision scrutiny of cabinet papers, cabinet members scrutiny spotlight sessions, call-ins and in-depth reviews of service areas. However, concerns were raised that insufficient time was given to pre-decision scrutiny due to very full agendas and that this should be addressed in the work programming for 2018/19.

Member training and skills

3.2.19 The Select Committee Report notes that it is incumbent on councils to ensure that scrutiny members have enough prior subject knowledge to prevent meetings becoming information exchanges at the expense of thorough scrutiny. Listening and questioning skills are essential, as well as the capacity to constructively critique the executive rather than following party lines.

3.2.20 Members recognised the benefit of training to assist effective questioning and requested that effective questioning, performance and budget scrutiny be provided earlier in the year. Some scrutiny chairs also took up one to one training or feedback sessions to develop their chairing techniques. A support programme, delivered by the CfPS, is proposed to develop skills in new Council members and further develop skills for both new and existing scrutiny members, such as scrutinising public services delivered by external organisations.

Resident engagement

3.2.21 "By involving residents in scrutiny, the potential for a partisan approach lessens and committees are able to hear directly from those whose interests they are representing"¹⁷. The Select Report notes that to promote public engagement, local authorities should commit time and resources to effective digital engagement strategies.

3.2.22 The Overview and Scrutiny Committee and sub-committees' members engage well with stakeholders, community advocates and our communities

¹⁷ Select Committee Report, page 32, paragraph 77

on particular elements of the scrutiny work programme. A good example is the review of the borough's approach to the application of the Prevent Duty, where members collected views and evidence from community groups, which informed the final recommendations. This included workshops with young people, school conferences and sessions with Prevent funded providers. Last year the scrutiny review of maternity services produced a video which included evidence submitted by local people and community organisations. This provided a different avenue to showcase the work of scrutiny and reach a different audience. However, members noted that more public involvement with opportunities for residents to contribute in regular committee meetings needs to be improved.

4. Developing Scrutiny at Tower Hamlets

4.1 Based on feedback from committee members, officers, partners and the CfPS, the following key areas have been identified to strengthen scrutiny arrangements in Tower Hamlets in 2018-19:

- Clarifying roles and processes
- Remit of the Overview and Scrutiny Committee and its Sub-committees
- Developing the skills of committee members and officers
- Effective work programming to focus on priority matters
- Amplifying the voice of residents
- Independent expertise
- Monitoring and evaluating the effectiveness of scrutiny

4.2 Clarifying roles and processes

4.2.1 The Select Committee Report highlighted that organisational culture plays an important role in supporting scrutiny. “Council leaders, both politicians and officials have a responsibility to set the tone and create an environment that welcomes constructive challenge and democratic accountability¹⁸”. Feedback during interviews with scrutiny committee members indicated that both officers and members of scrutiny and the Executive would benefit from a better understanding of scrutiny roles and responsibilities to encourage buy-in of scrutiny arrangements.

4.2.2 In 2016/17, in consultation with the CfPS, the Council developed an Overview and Scrutiny Toolkit (Toolkit). The aim of the Toolkit is to provide officers, Members, stakeholders and local communities with guidance and advice on how the scrutiny function works at Tower Hamlets. Scrutiny practices have further developed over the last year, which need to be updated in the Toolkit.

4.2.3 In particular, the Scrutiny Leads have been assigned responsibilities to:

- take the lead in asking questions on Scrutiny Lead areas at scrutiny committee meetings
- take the lead in monitoring and scrutinising budget proposals and performance throughout the year.

¹⁸ Select Committee Report, page 11, paragraph 14.

- 4.2.4 Further, last year the Scrutiny Lead for Children’s Services played an active role in attending the Children’s Services Improvement Board Meetings to gain an independent perspective of improvement progress. In addition to the responsibilities listed above, Scrutiny Leads could benefit from the development of a role description, setting out clear guidance in how to lead in specific areas.
- 4.2.5 Similarly, the role of the Chair could be further developed to include last year’s introduction of Chair’s Actions to the agenda to ensure urgency decisions and other governance matters are reported and a more detailed role description, highlighting the importance of the chair’s independence to strengthen the legitimacy of the scrutiny process.
- 4.2.6 Additional processes were developed last year, including the introduction of key lines of enquiry on each agenda item to support committee members with strategic questioning. A map of scrutiny processes from initiating reports to questions to cabinet and following up action items after committee members could assist officers in service areas understand and further engage in scrutiny processes.
- 4.2.7 In addition to updating the Toolkit, it is important to publicise the Toolkit more widely to ensure members and officers are aware of the resource and understand scrutiny roles and processes.

<p>Recommendation 1</p> <p>That the Council update the Overview and Scrutiny Toolkit to clarify:</p> <ul style="list-style-type: none"> • the roles and responsibilities of the Chair and Scrutiny Leads • scrutiny processes for officers and members before, during and after committee meetings • how residents can get involved in scrutiny at Tower Hamlets
<p>Recommendation 2</p> <p>That the Council widely publicise the updated Overview and Scrutiny Toolkit among Council members, officers, partners and local residents.</p>

4.3 Remit of the Overview and Scrutiny Committee and its Sub-committees

- 4.3.1 A mature scrutiny structure and function, recognised by external parties, will be essential to drive improvement across the organisation after the end of the current Directions in 30 September 2018. Further, the Overview and Scrutiny Committee will need to sustain its scrutiny of Children’s Services to support the targeted trajectory of a ‘good’ Ofsted rating by 2019. Accordingly, it is essential that the Overview and Scrutiny Committee establish a key role in contributing to the Council’s Improvement Framework with the recognition and support of relevant service areas.

- 4.3.2 The Select Committee Report notes that scrutiny committees should be able to ‘follow the council pound’ and have the power to oversee all taxpayer-funded services. Feedback highlighted the need for greater scrutiny of external parties providing public services to ensure services are fit for purpose.
- 4.3.3 Last year, the Overview and Scrutiny Committee highlighted the importance of building internal capacity to manage the commissioning process, particularly around contract management. This was deemed particularly relevant for large contracts. For example, the Committee noted that better management of the recycling contract could have significantly improved service delivery at an earlier stage.
- 4.3.4 The Grants Scrutiny Sub-committee was originally set up to ensure that the overall objectives of the grants scheme were met, based on identified need, a fair geographical distribution of funding, and a full range of community needs. It aims to support an objective, fair, transparent and co-ordinated approach to grant funding across the Council. However, as highlighted in the Best Value Improvement Plan, the Council is moving towards a commissioning approach to replace current mainstream grants and ensure a clearer procurement process. Accordingly, feedback suggested that the Scrutiny Lead for Resources explores how to deliver best practice for grants and community commissioning scrutiny.

Recommendation 3

That the Overview and Scrutiny Committees and sub-committees are supported by the Executive to enhance their role in scrutinising improvement activities across the organisation.

Recommendation 4

That the Scrutiny Lead for Resources explores how grants and community commissioning scrutiny can be developed in 2018-19 to reflect the Council’s new focus on commissioning.

4.4 Developing skills of Committee Members and officers

- 4.4.1 Following the May elections, a scrutiny induction session will be held on 30 May for all members to introduce the role of scrutiny and its functions so that scrutiny Committee Members and the Executive are familiar with scrutiny arrangements in Tower Hamlets.
- 4.4.2 Over the past two years, the CfPS has provided a programme of support to develop members’ and officers’ knowledge and skills towards providing effective scrutiny. A new training programme for members is proposed to guide newly elected councillors to follow best practice and build on skills developed by more experienced councillors.

- 4.4.3 Last year, member training focused on developing key skills, such as effective questioning training, which resulted in a shift towards a probing, questioning scrutiny culture. This was combined with more strategic questioning in scrutiny of the Council’s budget setting process to focus on an outcomes based approach and service delivery. Due to the new make-up of scrutiny members, training on effective questioning and budget scrutiny is proposed to be scheduled at the start of the year to ensure scrutiny takes place throughout the year.
- 4.4.4 Further, as the Council moves towards embedding an outcomes-based approach, additional training can also be offered to Committee Members. The Select Committee Report highlighted the importance of “following the Council pound” with the power to oversee all tax-payer funded services. This has been flagged by members as an area where further support is needed. Accordingly, training will be offered on scrutinising partnerships, risk and audit.
- 4.4.5 Feedback from scrutiny leads and scrutiny committee chairs indicated that one to one support offered by the CfPS was valuable in building confidence and helping members develop their skills further. Accordingly, the CfPS are offering tailored similar support on a number of areas including effective chairing skills, outcomes focussed recommendations and personal performance for scrutiny leads.
- 4.4.6 Training will also be offered to officers supporting scrutiny functions to improve understanding of how they can support members more effectively by developing skills and political awareness.
- 4.4.7 Feedback suggested that training sessions for service area officers and managers would help to improve understanding of scrutiny and embed a scrutiny culture across the organisation.

Recommendation 5

That the Council develops and implements a training programme for members to include:

- An induction into the role and mechanisms of scrutiny (all members)
- Core skills for scrutiny members, such as effective questioning, budget scrutiny, reviewing the improvement framework, outcome based approach, scrutinising partners
- Tailored one to one training for scrutiny members, based on specific needs.

Recommendation 6

That the Council develops a training programme for officers:

- in service areas to improve understanding of scrutiny processes and embed a scrutiny culture across the organisation
- in scrutiny functions, to assist officers support scrutiny members more effectively.

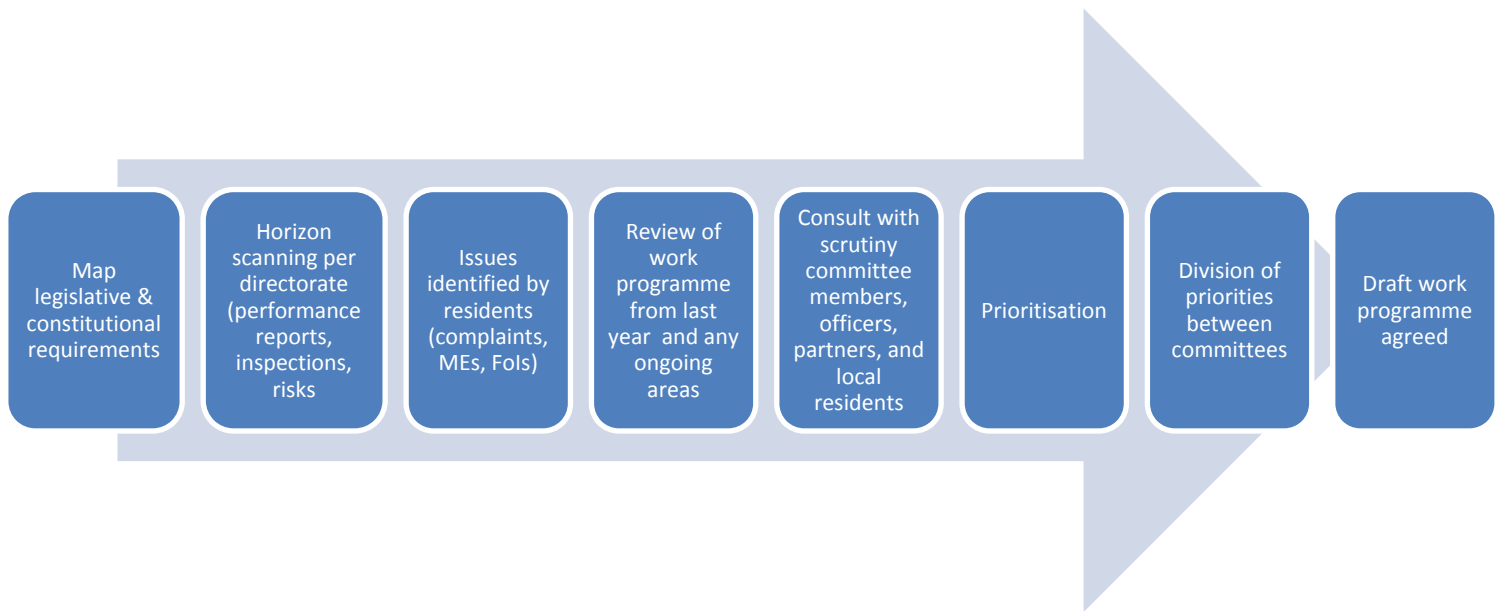
4.5 Effective work programming to focus on priority matters

4.5.1 Effective scrutiny helps to drive improvements in service delivery to local residents by undertaking a thorough targeted review of the Council's service provision and policies. Work programming therefore plays a crucial role in determining the Overview and Scrutiny Committee's area of focus.

4.5.2 It is therefore proposed that the work programme of the Overview and Scrutiny Committee and its sub-committees focus on priority issues, such as the Improvement Framework, strategic plan priorities, performance and budget scrutiny through the following different scrutiny mechanisms:

Item	Purpose
Scrutiny Spotlight Sessions	To hold the Executive to account with spotlight sessions of all Cabinet members' portfolio to look at key risks.
OSC Reports	To consider additional items, which are either requested or referred to the committee
Budget & Policy Framework Scrutiny	To review and comment on the Council's budget and policy framework items, which includes a mandatory consultation role to scrutinise all items that are the responsibility of full Council to agree.
Strategic Performance Monitoring	To review and challenge the performance of the Council on delivery of the strategic plan, budget and review areas of resident complaints
Scrutiny reviews and challenge sessions	To carry out an in-depth review on a focus service area to improve service delivery
Tracking Recommendations	To monitor implementation of recommendations from previous scrutiny review/challenge sessions.
Pre-decision Scrutiny	To inform the Cabinet decision-making process
Call-ins	To consider whether decisions made but not yet implemented are appropriate

4.5.3 To map out specific areas within these priority areas, scrutiny members and service areas will need to consult on the development of the work programme. Further, to avoid duplication, priority areas should be clearly divided between the scrutiny sub-committees. The key work programming stages are set out below:



4.5.4 Scrutiny Leads also suggested that early and regular meetings with service heads would help feed into ongoing work programme development and address key issues as they arise. Discussions at the Mayoral Advisory Board have supported this and also suggested regular engagement with Cabinet Members to ensure Scrutiny Leads are fully briefed on work in progress.

4.5.5 Members repeated that an area of improvement for the 2017/18 work programme was the large number of agenda items, which left inadequate time to look at areas in depth, decreased flexibility to address issues as they arise and reduced time for greater community engagement. It is therefore proposed that scrutiny sub-committees play a larger role in budget and performance scrutiny throughout the year to free up the Overview and Scrutiny Committee’s work agenda and allow for more effective scrutiny.

Recommendation 7

That the Overview and Scrutiny Committee and scrutiny sub-committees develop a work programme, focusing on priority areas such as:

- The Council’s Improvement agenda
- Delivering the strategic plan
- Linking performance and budget scrutiny.

Recommendation 8

That scrutiny sub-committees lead on budget and performance scrutiny throughout the year for relevant service areas.

Recommendation 9

That the directorates ensure regular engagement between scrutiny leads and relevant corporate and divisional directors and Cabinet members.

4.6 Engaging residents

- 4.6.1 Scrutiny currently has good engagement with residents, community groups and partners in its scrutiny challenge and review sessions and has held meetings outside the Town Hall to encourage local participation. However, this could be further strengthened by inviting local residents, community representatives and voluntary organisations onto challenge or review panels.
- 4.6.2 Although Overview and Scrutiny Committee meetings are now broadcast on the website, public attendance and viewing rates remain low. To make scrutiny more accessible, residents and community groups need to be aware of the role of scrutiny and how to get involved. It is proposed that greater communications, including the use of social media, is used to highlight scrutiny events and promote the Toolkit. A key opportunity to promote partner and resident participation will be during the development of the scrutiny work programme. Accordingly, it would be useful for residents, community groups and partners to be able to suggest ideas for the scrutiny work programme on the Council website.
- 4.6.3 In particular, feedback indicates that recruitment of both statutory and non-statutory co-opted members to all scrutiny committees helps to strengthen local people's voice in scrutiny and is a key part of ensuring resident involvement in setting the scrutiny work programme.

Recommendation 10

That the Council recruit statutory and non-statutory co-opted members to all scrutiny committees to strengthen local people's voice in scrutiny.

Recommendation 11

That the Council explore how local residents, community representatives and voluntary organisation representatives can be co-opted into scrutiny challenge/review panels.

Recommendation 12

That the Council develops a scrutiny communications and engagement plan to promote the role of scrutiny and facilitate local residents, community groups and partners to engage in scrutiny activities, including contributing to the development of the work programme.

4.7 Independent expertise

- 4.7.1 The Select Committee Report highlights that "few committees make regular use of external experts and call on councils to seek to engage local

academics, and encourage universities to play a greater role in local scrutiny”¹⁹.

4.7.2 Seeking external expertise is an integral part of evidence gathering in scrutiny challenge and review sessions. However, feedback noted that greater use could be made of the proximity of universities in the borough, as a source of independent expertise.

4.7.3 In 2017/18, the Overview and Scrutiny Committee invited the Independent Chair of the Children’s Safeguarding Board, Independent Chair of the Children’s Services Improvement Board and an Improvement Partner appointed by the Department of Education to provide their insights and views on progress. The meetings were valuable in highlighting potential challenges to the Improvement Plan in Children’s Services and demonstrated how independent expertise can be used effectively.

Recommendation 13

That the Council explores where ‘independent expertise’ exists in the borough, taking account of existing networks and contacts, and how this could be used to assist independent scrutiny of services.

4.8 Monitoring and evaluating the effectiveness of scrutiny

4.8.1 To ensure scrutiny is as effective as possible, the impact of scrutiny arrangements should be monitored throughout the year. Based on key themes from the Select Committee Report, it is proposed that monitoring focuses on the following:

- Member training: Members are supported and have the requisite skills and resources to provide effective scrutiny
- Impact of ‘critical friend’ challenge: review the impact of recommendations adopted into policy or acted on by the Council
- Resident engagement in the scrutiny process: review the number of residents participating in scrutiny processes.

4.8.2 Monitoring and evaluation processes will be developed further with the CfPS.

Recommendation 14

That the Council develops a scrutiny monitoring and evaluation tool to evaluate the impact of scrutiny throughout the year.

¹⁹ Select Committee Report, page 43, paragraph 12

5. Action Plan

Below is an action plan setting out how the proposed recommendations will be implemented.

Recommendation 1:		
That the Council update the Overview and Scrutiny Toolkit to clarify:		
<ul style="list-style-type: none"> • the roles and responsibilities of the Chair and Scrutiny Leads • scrutiny processes for officers and members before, during and after committee meetings • how residents can get involved in scrutiny at Tower Hamlets. 		
Actions	Responsible Officer	Deadline
1. A detailed description of the role and expectations of the Chair of the Overview and Scrutiny Committee and each sub-committees is updated in the Toolkit.	SPP Officer	July 2018
2. A detailed description of the role and expectations of the Scrutiny Leads is updated in the Toolkit, including how they can lead on budget and performance scrutiny for their relevant areas.	SPP Officer	July 2018
3. A process map is set out in the toolkit to clarify scrutiny processes before, during and after committee meetings.	SPP Officer	July 2018
4. Updating the Toolkit to clarify how residents can get involved in scrutiny at Tower Hamlets	SPP Officer	July 2018
Recommendation 2:		
That the Council widely publicise the updated Overview and Scrutiny Toolkit among Council members, officers, partners and local residents.		
Actions	Responsible Officer	Deadline

Set up a web page to publicise scrutiny activities and the Overview and Scrutiny toolkit	Communications Officer (in consultation with SPP Officer)	Oct 2018
Send out internal communications to publicise the updated Toolkit and where to find it for members and officers.	Communications Officer (in consultation with SPP Officer)	August 2018
Recommendation 3:		
That the Overview and Scrutiny Committees and sub-committees are supported by the Executive to enhance their role in scrutinising improvement activities across the organisation.		
Actions	Responsible Officer	Deadline
1. Set up meetings with relevant directorates to horizon scan and discuss where scrutiny can add value	SPP Officer in consultation with service areas	July 2018
2. Map key dates and processes for improvement activities to include in the scrutiny work programme plan	SPP Officer in consultation with service areas	June 2018
Recommendation 4:		
That the Scrutiny Lead for Resources explores how grants and community commissioning scrutiny can be developed in 2018-19 to reflect the Council's new focus on commissioning.		
Actions	Responsible Officer	Deadline
1. Meet with the Resources Director to explore the work stream for grants and community commissioning	SPP Officer	TBD
2. Develop a Grants Scrutiny Lead role description and update the Overview and Scrutiny Toolkit accordingly	SPP Officer	TBD
Recommendation 5:		

<p>That the Council develops and implements a training programme for members:</p> <ul style="list-style-type: none"> • An induction into the role and mechanisms of scrutiny (all members) • Core skills for scrutiny members, such as effective questioning, budget scrutiny, reviewing the improvement framework, outcome based approach, scrutinising partners • Tailored one to one training for scrutiny members, based on specific needs. 		
Actions	Responsible Officer	Deadline
1. Develop and hold a scrutiny induction into the role and mechanisms of scrutiny for all members, supported by the Centre for Public Scrutiny	SPP Officer	30 May 2018
2. Develop, in consultation with CfPS, a timetable of mandatory scrutiny training effective questioning, budget scrutiny, reviewing the improvement framework, outcome based approach, scrutinising partners	SPP Officer	July 2018
3. Discuss and plan with Committee members any specialised training required	SPP Officer	August 2018
<p>Recommendation 6:</p> <p>That the Council develops a training programme for officers:</p> <ul style="list-style-type: none"> • in service areas to improve understanding of scrutiny processes and embed a scrutiny culture across the organisation • in scrutiny functions, to assist officers support scrutiny members more effectively. 		
Actions	Responsible Officer	Deadline
1. Hold a mandatory training session for service heads and managers designed to clarify scrutiny processes and highlight which mechanisms may be more effective in promoting 'critical friend challenge'.	SPP Officer	TBD

2. Develop, in consultation with CfPS and scrutiny officers, a timetable of training in scrutiny processes and effective ways of working.	SPP Officer	TBD
<p>Recommendation 7:</p> <p>That the Overview and Scrutiny Committee and scrutiny sub-committees develop a work programme, focusing on priority areas such as:</p> <ul style="list-style-type: none"> • Improvement agenda • Delivering strategic plan • Linking performance and budget scrutiny. 		
Actions	Responsible Officer	Deadline
1. Conduct a review and horizon scanning with each directorate to clarify progress over the last year, areas of challenge/for improvement and what will impact service areas from 2018/19 on a national, regional and local level.	SPP Officer (in consultation with directorates)	30 June
2. Develop a website page so residents can contribute to the work programme for 2018/19	Communications Officer	July 2018
3. Develop a prioritisation tool with the Centre for Public Scrutiny to focus the work programme on priority areas	SPP Officer (in consultation with CfPS)	July 2018
<p>Recommendation 8:</p> <p>That scrutiny sub-committees lead on budget and performance scrutiny throughout the year for relevant service areas.</p>		
Actions	Responsible Officer	Deadline
1. Meet with the Resources Director and CfPS to discuss how budget scrutiny could be better reviewed throughout the year and how sub-committees can focus on an outcomes based approach for their relevant areas	SPP Officer (in consultation with the Resources Director)	July 2018
2. Hold a budget training session for scrutiny members with the Resources Director and CfPS to build capacity in budget and performance scrutiny	SPP Officer, Resources	July 2018

	Director, CfPS	
3. Schedule budget scrutiny throughout the year into the work programme for OSC and its sub-committees	SPP Officer (in consultation with the Resources Director)	TBD
Recommendation 9:		
That the directorates ensure regular engagement between scrutiny leads and relevant corporate and divisional directors and Cabinet Members.		
Actions	Responsible Officer	Deadline
1. Corporate directors and divisional directors set up quarterly meetings with relevant scrutiny leads to discuss areas of progress and challenge and mechanisms used to scrutinise particular areas. Scrutiny Leads to determine whether Cabinet Members attend.	Various	July 2018
Recommendation 10:		
That the Council recruit statutory and non-statutory co-opted members to all scrutiny committees to strengthen local people's voice in scrutiny.		
Actions	Responsible Officer	Deadline
1. Recruit and seek nominations for 6 co-opted members, including school governors, faith representatives, tenant representative, leaseholder representative, grants scrutiny representative and Health Watch representation.	David Knight	June 2018
Recommendation 11:		
That the Council explore how local residents, community representatives and voluntary organisation representatives can be co-opted into scrutiny challenge/review panels.		
Actions	Responsible Officer	Deadline
Develop a protocol on co-opting local people into reviews	SPP Officer	August 2018
SPP Officers discuss with Scrutiny Leads which reviews may benefit from local representatives	SPP Officer	September 2018

Recommendation 12:		
That the Council develops a scrutiny communications and engagement plan to promote the role of scrutiny and facilitate local residents, community groups and partners to engage in scrutiny activities, including contributing to the development of the work programme.		
Actions	Responsible Officer	Deadline
1. Develop a scrutiny web page on the internet	Communications Officer and SPP Officer	September 2018
2. Develop a communications plan around the scrutiny work programme to advertise scrutiny activities and explore use of social media and technology	Communications Officer and SPP Officer	August 2018
Recommendation 13:		
That the Council explores where 'independent expertise' exists in the borough, taking account of existing networks and contacts, and how this could be used to assist independent scrutiny of services.		
Actions	Responsible Officer	Deadline
1. Set up meetings with relevant directorates to discuss potential contacts	SPP Officer (in consultation with directorates)	TBD
2. Research and approach local experts in priority areas to determine their appetite to get involved in scrutiny	SPP Officer (in consultation with directorates)	TBD
Recommendation 14:		
That the Council develops a scrutiny monitoring and evaluation tool to evaluate the impact of scrutiny throughout the year.		
Actions	Responsible Officer	Deadline

Research and discuss with other boroughs evaluation tools, with a focus on boroughs who have adopted an outcomes based approach	SPP Officer	TBD
Map processes, data collected to determine how best to monitor and evaluate impact of scrutiny	SPP Officer	TBD
In consultation with the CfPS, develop and trial an evaluation tool.	SPP Officer (in consultation with CfPS)	TBD