A meeting of the Local Police and Fire Scrutiny Panel will be held on Thursday 25 May 2023 at 3pm.

Members may attend the meeting in person or via remote online access. Webex joining details will be sent to Members and Officers. Members are requested to notify Committee Services by 12 noon on Wednesday 24 May 2023 how they intend to access the meeting.

In the event of connectivity issues, Members are asked to use the *join by phone* number in the Webex invitation and as noted above.

Please note that this meeting will be live-streamed via YouTube with the exception of any business which is treated as exempt in terms of the Local Government (Scotland) Act 1973 as amended.

Further information relating to the recording and live-streaming of meetings can be found at the end of this notice.

IAIN STRACHAN
Head of Legal, Democratic, Digital & Customer Services

BUSINESS

1.	**Apologies, Substitutions and Declarations of Interest**	**Page**
PERFORMANCE MANAGEMENT		
2.	**Police Scotland Performance Report**	**p**
3.	**Presentation on Violence Against Women & Girls Strategy** Presentation by Police Scotland	
4.	**Scottish Fire & Rescue Service Performance Report**	**p**
NEW BUSINESS		
5.	**Local Police and Fire Scrutiny Panel Update Report** Report by Corporate Director Education, Communities & Organisational Development	**p**

The reports are available publicly on the Council's website and the minute of the meeting will be submitted to the next standing meeting of the Inverclyde Council. The agenda for the meeting of the Inverclyde Council will be available publicly on the Council's website.

Please note: this meeting may be recorded or live-streamed via You Tube and the Council's internet site, where it will be capable of repeated viewing. At the start of the meeting the Provost/Chair will confirm if all or part of the meeting is being recorded or live-streamed.

You should be aware that the Council is a Data Controller under the Data Protection Act 2018. Data collected during any recording or live-streaming will be retained in accordance with the Council's published policy, including, but not limited to, for the purpose of keeping historical records and making those records available via the Council's internet site or You Tube.

If you are participating in the meeting, you acknowledge that you may be filmed and that any information pertaining to you contained in the recording or live-stream of the meeting will be used for webcasting or training purposes and for the purpose of keeping historical records and making those records available to the public. In making this use of your information the Council is processing data which is necessary for the performance of a task carried out in the public interest. If you are asked to speak at the meeting then your submission to the committee will be captured as part of the recording or live-stream.

If you have any queries regarding this and, in particular, if you believe that use and/or storage of any particular information would cause, or be likely to cause, substantial damage or distress to any individual, please contact the Information Governance team at dataprotection@inverclyde.gov.uk

Enquiries to - **Lindsay Carrick** - Tel 01475 712114

Inverclyde
Performance Summary Report
Reporting Period: 01/04/22 - 28/02/23

POLICE SCOTLAND
Keeping people safe

SEMPER VIGILO

Total Crime ▲ +2%   ▲ 5,364 Crimes

Incidents Recorded	Common Assault	Overall Dishonesty	Domestic Abuse Incidents
-1.4%	+0.7%	+14.6%	+0.9%
17,164	578	1,203	752

Overall Violent Crime	Sexual Crime	Road Traffic Casualties	Disorder Complaints
+2%	0%	+29.7%	-24.4%
676	118	48	2,072

Missing People	Counter Terrorism	Housebreaking
+92.4%		+41.2%
177	The threat level from INTERNATIONAL TERRORISM is SUBSTANTIAL —an attack has been deemed as likely to occur.	137

*All data provided is for the period 1 April 2022 - 28 February 2023 unless otherwise stated. All statistics are provisional and should be treated as management information. All data have been extracted from Police Scotland internal systems and are correct as of 20 April 2023.

Inverclyde
Performance Summary Report
Reporting Period:
1 Apr 2022 to 28 Feb 2023

Introduction

I am pleased to present this report to the Police Fire and Rescue Committee for its information and consideration. Please note that all data included in this report are management information and not official statistics. All data are sourced from Police Scotland internal systems and are correct as of date of publication. Unless stated otherwise, numerical comparisons are against the comparable period in the preceding reporting year.

CI Damian Kane

Inverclyde Area Commander

INVERCLYDE POLICING PRIORITIES 2023/26

PRIORITY	EXECUTIVE SUMMARY
VIOLENCE, DISORDER AND ANTISOCIAL BEHAVIOUR	Overall, violent crime increased by two percent, with a drop in many ward areas being offset by a more substantial rise in Inverclyde North and Central wards. While recorded common assaults and attempted murders increased in number, the most substantial rise related to recorded robberies, with 14 additional recorded compared to the previous year.
PROTECTING VULNERABLE PEOPLE	118 sexual crimes have been recorded in Inverclyde in the reporting period, no change on the reported crime volume in the previous year. The detection rate for sexual crimes has increased by 13.6 percentage points, to 55.1%. 43% of all recorded sexual crime involved non-recent reporting.
ACQUISITIVE AND CYBER / DIGITAL CRIME	Overall crimes of dishonesty have increased by 14.6%, with housebreaking crime, motor vehicle crime, common theft, fraud and shoplifting all contributing to this rise. The detection rate for crimes of dishonesty is 47.4%. Around 44% of cybercrimes recorded in the current reporting year were acquisitive crimes and in particular online frauds.
SERIOUS AND ORGANISED CRIME	Intelligence led policing resulted in 51 drugs detections in the current year. In Renfrewshire & Inverclyde Division, serious and organised criminals were deprived of £1,110,489 in cash and assets through use of the Proceeds of Crime Act. Five Serious and Organised Crime Group principal members and 44 SOCG associates were arrested in the current reporting year.
ROAD SAFETY AND ROAD CRIME	Overall, road casualties have increased by 11, to a total of 48. Offences relating to motor vehicles have fallen by 15.8% on the previous year, to a total of 848. The detection rate for offences relating to motor vehicles is 83.8%, a rise of 0.8 percentage points on the previous year.

POLICE SCOTLAND'S POLICING PRIORITIES 2022/23

Protecting vulnerable people
Renfrewshire and Inverclyde Division continues to support a multi-agency approach to reduce drug deaths, to engage with Scottish Government and stakeholders to influence approaches to supporting individuals with complex mental health needs, and to work in partnership to develop local effective and efficient pathways to support vulnerable people.

Working with communities
The Division continues to support this Police Scotland priority and to develop strategic partnerships to find synergy in policy making and shared resources. Police in Inverclyde recognise the importance of engaging with communities to understand their needs, and strive to support innovation in local partnership settings.

Tackling crime in the digital age
Police in Inverclyde continue to benefit from the support of specialised Police Scotland units such as the Cybercrime Unit and the Economic Crime and Financial Investigation Unit, amongst others. There are continued efforts to ensure our Officers have the training, resources and equipment needed to tackle the threat arising from cyber related criminality and technological advancement.

Support for operational policing
Inverclyde Police continue to link in closely with Police Scotland's Corporate Services who enable and support operational resources to deliver against the strategic priorities and their outcomes. Significant developments arising from the Digitally Enabled Policing Programme which have resulted in direct benefits to Inverclyde Police include the National Network / Project ADEL, the rollout of mobile devices and the suite of applications delivered via Core Operational Systems (COS).
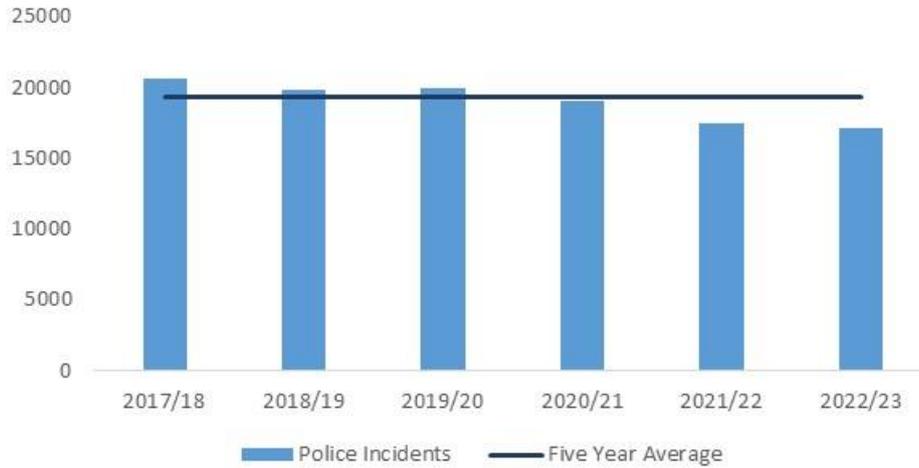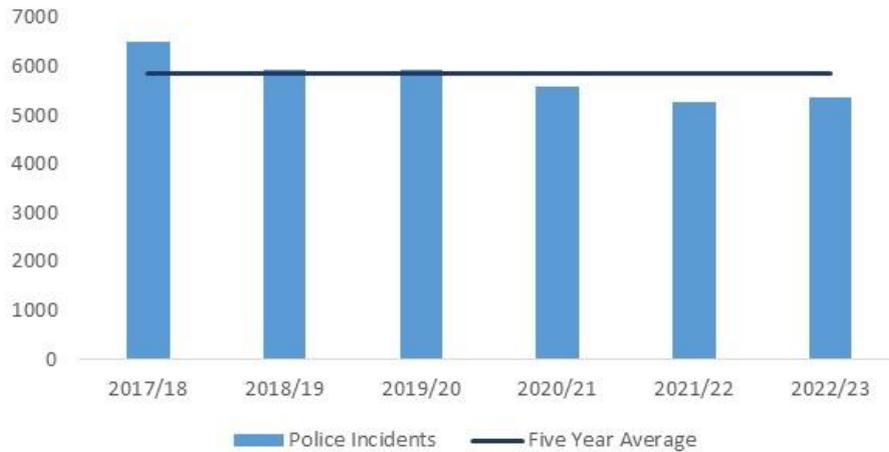
DEMAND ANALYSIS

PYTD - PREVIOUS YEAR TO DATE   CYTD - CURRENT YEAR TO DATE

| CRIME	PYTD	CYTD	INCIDENTS	PYTD	CYTD
Total Crimes & Offences	5,257	5,364	Total number of incidents	17,412	17,164

Police Incidents

All Crime & Offences

The volume of recorded crime and offences has increased by two percent, with a rise in recorded crimes of non-sexual violence, crimes of dishonesty, fireraising and malicious mischief and other (proactivity) crimes. Meanwhile, recorded police incidents have fallen by 1.4%, and remain 11.4% below five year average figures.

VIOLENCE, ANTISOCIAL BEHAVIOUR AND DISORDER

Robberies (inc. Assault with Attempt to Rob)

Serious Assault
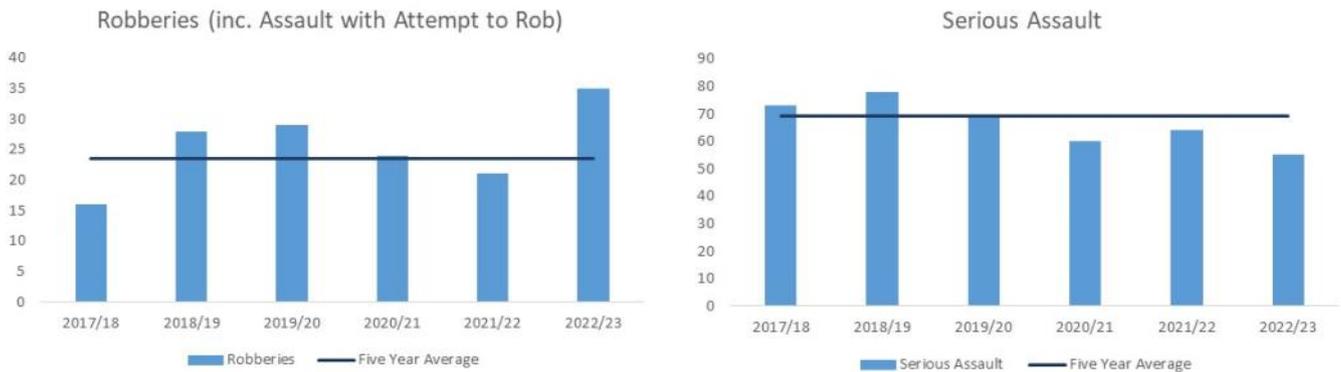
Violence

Overall violent crime has increased by two percent on the previous year, with a total of 676 crimes recorded in the reporting period. The primary drivers of this overall increase were robbery and attempted robbery (14 additional crimes), attempted murder (five additional crimes) and common assault (four additional crimes). The detection rate for overall crimes of violence is 75.9%, a rise of 9.5 percentage points on the previous year.

A decrease in many wards of Inverclyde was offset by a more substantial rise in Inverclyde North and Central wards.

Disorder and Antisocial Behaviour

65 wilful fireraising crimes have been recorded— an increase of 41.3% on the previous year. However, the current detection rate is 27.7%, a substantial rise on the previous year's rate of 10.9%. Advice is being issued to all householders regarding the dangers of leaving combustible items in common close areas. Meanwhile, recorded vandalism crimes have increased by 14.3% on the previous year, to a total of 479 crimes in the reporting period.

Hate Crime

Four fewer hate incidents have been recorded in Inverclyde in the reporting period (n=60) compared to the same period in 2021/22. However, more of these reported hate incidents resulted in a crime being recorded, with 47 crime incidents - one additional on last year. The detection rate for hate crimes in Inverclyde in the reporting period is 78.7%, a substantial rise on the previous year's rate of 67.4%.

PROTECTING VULNERABLE PEOPLE

Sexual Crime

118 sexual crimes have been recorded in Inverclyde in the reporting period, no change on the reported crime volume in the previous year. The detection rate for sexual crimes has increased by 13.6 percentage points on the previous year, to 55.1%. 43% of all recorded sexual crime involved non-recent reporting - a lower proportion than recorded in the preceding year (39%). 17 cyber-enabled sexual crimes were recorded in the reporting period, with the majority of these relating to indecent online communications and the online sharing of indecent images with child victims. Two cyber-enabled threats to disclose intimate images were also recorded.
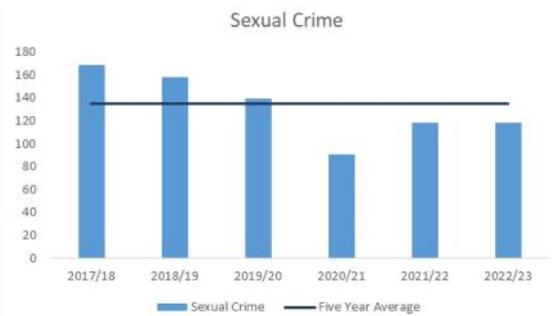

Missing People

In the period April 2022 to February 2023, 177 missing person reports have been recorded in Inverclyde, a substantial rise on the 92 reports in the same period in 2021/22. 173 of the missing people in the reporting period were traced alive, with the remaining four people being traced deceased. The increase was most evident in missing person reports involving younger people, with the incidents involving people aged under 20 years rising from 44 to 103 year on year. Repeat missing persons continue to be a concern, with the top five repeat missing people (all of whom were aged under 18 years) featuring in a total of 41 incidents – around 23% of the overall total of missing person incidents in the reporting period. Police Scotland remains committed to reducing harm related to people who go missing and continues to develop and implement key measures to ensure missing persons and their friends and family receive a consistently high level of service wherever the person has gone missing from. In Inverclyde, over 78% of missing people were traced within 24 hours of being reported as missing, with this proportion rising to 92% being traced within three days.

Domestic Abuse

Victims of domestic abuse remain one of Renfrewshire and Inverclyde Division's top priorities. Recorded domestic abuse incidents in Inverclyde increased by 0.9% on the previous year, to a total of 752, though figures remain below the five year average. 45.2% of all recorded incidents resulted in a crime being recorded – a decrease of 2.6 percentage points on the previous year. The detection rate for domestic crime increased by over nine percentage points on the previous year, to 75.8% in the reporting period.
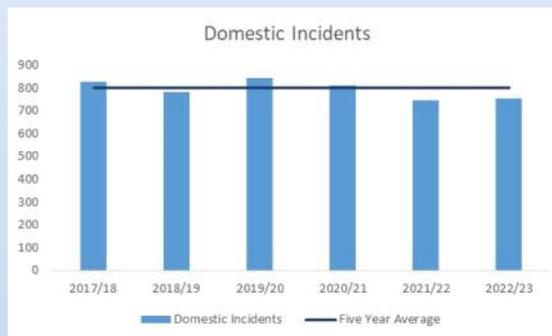
Drug Related Deaths

21 confirmed or suspected drugs related deaths occurred in Inverclyde in the reporting period - an increase of three on the previous year. Toxicology results are awaited for two suspected DRDs in the reporting period. Where toxicology results were available, cocaine was the most commonly identified substance, though it should be noted that poly-drug use was identified in the vast majority of cases.

Following the Naloxone introduction in 2022, Renfrewshire Inverclyde Division commenced their divisional rollout in February 2023. The rollout incorporated all forward facing police resources. 40% of officers deployed in Inverclyde Sub Division have completed Naloxone training.

SERIOUS AND ORGANISED CRIME

Intelligence led policing resulted in 51 drugs detections in the current year. This comprised of 46 detected drugs supply / possession with intent to supply crimes, four crimes relating to the production, manufacture or cultivation of drugs, and one crime relating to the introduction of drugs into the Scottish Prison Service estate. Renfrewshire & Inverclyde Division recorded the highest rate of drug supply crimes per 10,000 population, of any Police Scotland Division.

In Renfrewshire & Inverclyde Division, serious and organised criminals were deprived of £1,110,489 in cash and assets through use of the Proceeds of Crime Act - an increase of over 30% on the previous year's POCA total.

Five Serious and Organised Crime Group principal members and 44 SOCG associates were arrested in the current reporting year.

Intelligence-driven stop and search continues to be utilised to proactively target serious and organised criminals, with this tactic resulting in 102 drugs seizures in Inverclyde in the reporting period, with around a third of these seizures relating to Class 'A' substances.

COUNTER TERRORISM & DOMESTIC EXTREMISM

In February 2022 the Home Secretary announced a decrease in the UK's Terrorist Threat Level from 'Severe' to 'Substantial'. This means it is deemed an attack is likely. At this time there is nothing to suggest that there is any specific threat to Scotland. However, the threat from Islamic, Northern Ireland and Right-wing terrorism remains a serious threat. Inverclyde has an embedded CTLO (Counter Terrorist Liaison Officer) who provides expert guidance and support regarding emerging threats from national and international terrorism & Extremism. The CTLO has provided support, security advice and reassurance to locally elected representatives. PREVENT awareness training has been carried out at HMP Greenock , local RSLs, Social Work and Mental Health teams within NHS to provide guidance and information. Op SANDBED hosted a briefing to all local new and current elected members.

ACQUISITIVE CRIME

Crimes of Dishonesty

Housebreaking Crimes
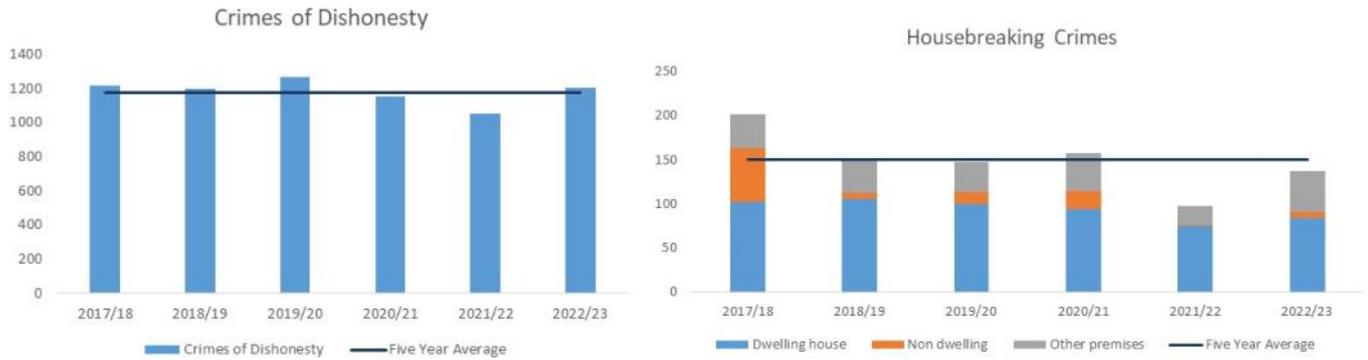
Overall crimes of dishonesty have increased by 14.6% on the previous year, with housebreaking crime, motor vehicle crime, common theft, fraud and shoplifting all contributing to this rise. The detection rate for crimes of dishonesty is 47.4%, a decrease of 2.9 percentage points on the previous year.

450 shoplifting crimes have been recorded – an increase of 1.1% on the previous year (and 13.8% above the five year average). The detection rate also increased by 1.1 percentage points to 80.4%.

Housebreaking crimes (including attempts) increased by 41.2% on the previous year to a total of 137 crimes. However it should be noted that HB crimes remain nine percent below the previous five year average. Around six in ten HB crimes targeted dwelling houses, with crimes to this type of property rising by 12% on the previous year.

Acquisitive crimes targeting motor vehicles have risen by 23.2% on the previous year, to a total of 101 crimes. Thefts of motor vehicles continue to account for the highest proportion of motor vehicle crime (n=57). In recent months, there has been a significant proactive response and preventative work in Renfrewshire & Inverclyde Division to tackle the emerging trend of the keyless thefts of motor vehicles. The motor vehicle acquisitive crime detection rate is 31.7%, an increase of 3.6 points on the previous year.

CYBER & DIGITAL CRIME

Cyber-enabled crime continues to impact on the communities of Inverclyde, with analysis suggesting that cyber-enabled frauds have become the most commonly recorded type of cyber-crime in Inverclyde in the reporting period. Around 44% of all reported cybercrimes in Inverclyde were acquisitive crimes. A range of online frauds and attempted fraud methods were reported, including suspects posing as bank and internet service provider employees in order to gain access to complainer's online bank accounts and online devices. Other common crimes included internet order frauds, fraudulent cryptocurrency investment schemes and social engineering frauds in which suspects used messaging apps to contact complainers while purporting to be a friend or relative in need of financial assistance, in order to fraudulently induce online payments to be sent to them.

A further quarter of the overall number of recorded cybercrimes were miscellaneous offences including threatening and abusive communications, while cyber-enabled sexual offences constituted around 20% of the total.

ROAD SAFETY AND ROAD CRIME

Road Traffic Casualties		2021/22	2022/23
	Number of persons killed on our roads	1	1
	Number of persons seriously injured	12	22
	Number of persons slightly injured	24	25
	Number of children seriously injured	3	5
Road Traffic Data from 01/04/2022 to 28/02/2023			

Offences Relating to Motor Vehicles

Offences Relating to Motor Vehicles ▬▬▬Five Year Average
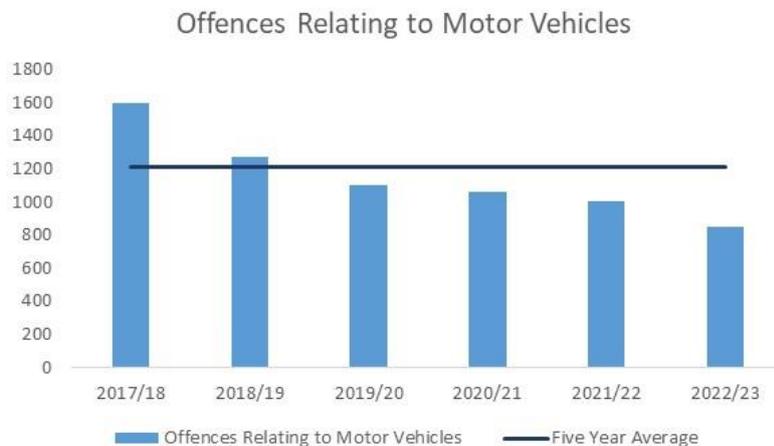
Overall, road casualties have increased by 11 on the previous year, to a total of 48. While the number of road fatalities remain unchanged on the previous year (n=1), serious injuries have risen from 12 to 22, while slight injuries have increased by one, to a total of 25. While no children have been killed on Inverclyde's roads, five have been seriously injured in the current reporting year.

Offences relating to motor vehicles have fallen by 15.8% on the previous year, to a total of 848. The detection rate for offences relating to motor vehicles is 83.8%, a fall of 0.8 percentage points on the previous year.

Counter to the overall decrease in the number of recorded motor vehicle offences, drink and drug driving offences have increased by 5.2% as a result of local officers and Road Policing officers carrying out proactive checks on motorists while on high visibility patrols. Speed checks continue to be carried out at various locations with relevant action being taken.

Inverclyde Police in Partnership with Inverclyde Council continue to promote the initiative which resulted in a 'Parking Buddy' being delivered to each Primary School in the area in order to make motorists think about their actions when driving and parking around school zones which should result in more awareness of the safety of children on the roads near to schools.

PUBLIC CONFIDENCE: COMPLAINTS & USER SATISFACTION

COMPLAINTS ABOUT THE POLICE

From 01/04/2022 - 28/02/2023

Table: Complaints and Allegations received in the Inverclyde Council area, by YTD period (Apr – Feb)

	TOTAL COMPLAINT CASES RECEIVED			TOTAL NUMBER OF ALLEGATIONS RECEIVED		
	YTD	LYTD	% Change	YTD	LYTD	% Change
Inverclyde Council	68	57	19.3%	116	105	10.5%

Table: Allegations received in the Inverclyde Council area, by type and YTD period (Apr – Feb)

Allegation Category and Type	PYTD	YTD	% change from PYTD
On Duty - TOTAL	*81*	*71*	*-12.3%*
Assault	14	9	-35.7%
Discriminatory Behaviour	0	1	x
Excessive Force	12	12	0.0%
Incivility	17	17	0.0%
Irregularity in Procedure	26	29	11.5%
Neglect of Duty	1	0	-100.0%
Oppressive Conduct/Harassment	3	1	-66.7%
Other - Criminal	3	2	-33.3%
Other - Non Criminal	3	0	-100.0%
Unlawful/Unnecessary Arrest or Detention	2	0	-100.0%
Quality Of Service - TOTAL	*24*	*45*	*87.5%*
Policy/Procedure	4	13	225.0%
Service Delivery	2	12	500.0%
Service Outcome	18	20	11.1%
Grand Total	**105**	**116**	*10.5%*

A total of 68 complaint cases and 116 allegations have been received in Inverclyde in the reporting period. 71 allegations were 'On Duty' with a further 45 relating to quality service.

PUBLIC CONFIDENCE

From 01/05/2022 - 31/03/2023

63.3% of respondents to the 'Your Police' survey reported that they felt safe in their local area. 32.5% agreed, or strongly agreed that they had confidence in the police in their local area. 22.5% of Inverclyde respondents felt that the police were doing a good job in the local area. Your Police survey results indicate that one of the main issues that local residents feel Inverclyde Police are doing well is tackling drug supply in the area. Issues which were highlighted which continue to cause concern in the local community include antisocial behaviour, the continued desire for a visible police presence, and road traffic concerns such as speeding and dangerous driving.

LOCAL POLICING PRIORITY OUTCOMES – CASE STUDIES

Proactive Response to Acquisitive Vehicle Crime - a dedicated and focused response within Inverclyde was implemented in response to rising vehicle crime. Around 40 crimes have been recorded since November 2022 to April 2023 and some of these cross borders into Renfrewshire and beyond. On 25/04/2023, three premises were searched and four males have been arrested and charged with a combined 31 offences of vehicle theft. 15 vehicles have been recovered during the investigation and returned to their owners. This investigation was supported from Road Policing colleagues.

Drug Dealing - After a four month investigation, 12 males and two females have been reported to the Crown Office Procurator Fiscal Service for drugs supply offences. Drugs including Diamorphine and Cocaine along with £5,475 in cash and 18 mobile phones were recovered.

School Inputs - Officers from Community Policing have been delivering inputs to local schools ranging from Road Safety, Cyber Security and Bullying.

FORTHCOMING INITIATIVES

Forthcoming focus of activity to raise awareness of Cyber enabled crime planned for June'

Inverclyde Performance Report
1st January 2023 - 31st March 2023

Working together
for a safer Scotland

Inverclyde Performance Report

Table of Contents 2

Local Fire and Rescue Service Plan Priorities

The Local Fire and Rescue Service Plan has been developed to set out the priorities and objectives within Inverclyde and allows our local authority partners to scrutinise the performance outcomes of these priorities. We will continue to work closely with our partners in Inverclyde to ensure we are all **"Working Together for a Safer Scotland"** through targeting risks to our communities at a local level.

The plan has been developed to complement key partnership activity embedded across Inverclyde Community Plan and associated Delivery and Thematic plans. Through partnership working we will seek to deliver continuous improvement in our performance and effective service delivery in our area of operations.

The Local Fire and Rescue Plan for Inverclyde identified six areas for demand reduction and is subject to regular monitoring and reporting through the Police / Fire and Rescue Committee. A summary of the priorities and current activity is detailed below with further detail and analysis contained within this performance report.

	Accidental Dwelling Fires	Accidental Dwelling Fire Casualties	Unintentional Injury and Harm	Deliberate Fire Setting	Non-Domestic Fire Safety	Unwanted Fire Alarm Signals
Inverclyde Central	6	0	0	5	1	10
Inverclyde East	2	0	3	6	1	13
Inverclyde East Central	2	0	0	7	0	19
Inverclyde North	8	1	5	5	1	18
Inverclyde South	2	0	0	4	0	16
Inverclyde South West	0	0	0	11	0	2
Inverclyde West	0	0	3	6	0	14

	Accidental Dwelling Fires	Accidental Dwelling Fire Casualties	Unintentional Injury and Harm	Deliberate Fire Setting	Non-Domestic Fire Safety	Unwanted Fire Alarm Signals
Total Incidents	**20**	**1**	**11**	**44**	**3**	**92**
Year on Year Change	◆ 54%	▲ 0%	● -15%	● -61%	● -50%	◆ 23%
3 Year Average Change	● -10%	● -20%	▲ 0%	▲ -3%	● -29%	◆ 2%

About the statistics within this report

The activity totals and other statistics quoted within this report are published in the interests of transparency and openness. They are provisional in nature and subject to change as a result of ongoing quality assurance and review. Because all statistics quoted are provisional there may be a difference in the period totals quoted in our reports after local publication which result from revisions or additions to the data in our systems. The Scottish Government publishes official statistics each year which allow for comparisons to be made over longer periods of time.

● Activity levels have reduced by more than 5%

▲ Activity levels have reduced by up to 5%

◆ Activity levels have increased overall

Inverclyde Activity Summary

fires primary & secondary — **68** — ↓ -54%

special services — **68** — ↑ 8%

false alarms — **162** — ↑ 1%

298 total number of **incidents** — ↓ -20%

19 fire & non-fire **casualties** — ↑ 27%

£181,240 economic cost of **ufas incidents**

*data above is year on year change
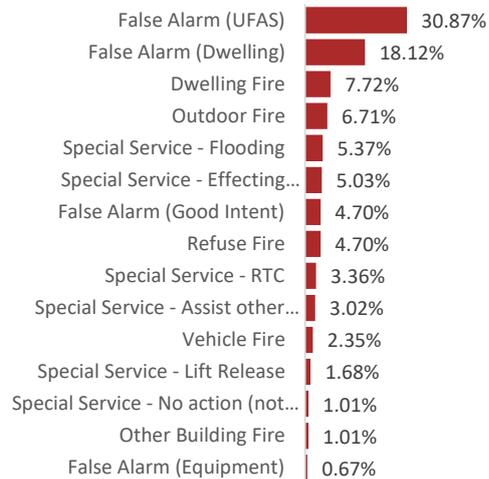
Activity by Time of Day

	00:00	01:00	02:00	03:00	04:00	05:00	06:00	07:00	08:00	09:00	10:00	11:00	12:00	13:00	14:00	15:00	16:00	17:00	18:00	19:00	20:00	21:00	22:00	23:00
Mon																								
Tue																								
Wed																								
Thu																								
Fri																								
Sat																								
Sun																								

Incidents by Classification

Annual Average: 23%, 36%, 16% (3 Year Average): 23%

48%, 54%
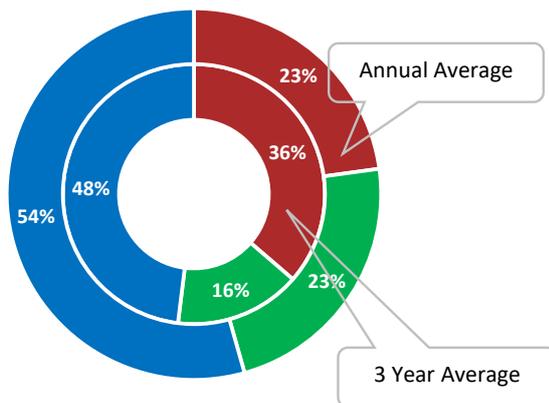
- All Fires
- All Special Services
- All False Alarms

Top 15 Incidents Types by %

Incident Type	%
False Alarm (UFAS)	30.87%
False Alarm (Dwelling)	18.12%
Dwelling Fire	7.72%
Outdoor Fire	6.71%
Special Service - Flooding	5.37%
Special Service - Effecting...	5.03%
False Alarm (Good Intent)	4.70%
Refuse Fire	4.70%
Special Service - RTC	3.36%
Special Service - Assist other...	3.02%
Vehicle Fire	2.35%
Special Service - Lift Release	1.68%
Special Service - No action (not...	1.01%
Other Building Fire	1.01%
False Alarm (Equipment)	0.67%

Inverclyde Operational Trends

Years: 2017/18, 2018/19, 2019/20, 2020/21, 2021/22, 2022/23

- Total Incidents
- All Fires
- All Special Services
- All False Alarms

4

Domestic Safety - Accidental Dwelling Fires

Performance Summary

	Year on Year	3 Year Average
	◆ 54%	● -10%

Accidental Dwelling Fires

2018/19	2019/20	2020/21	2021/22	2022/23
16	27	27	13	20
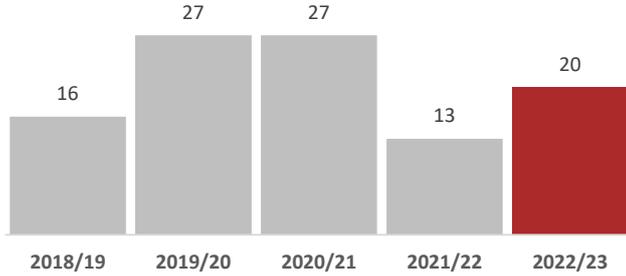
Accidental Dwelling Fires Activity by Ward (% share)

- **Inverclyde Central** — 30%
- **Inverclyde East** — 10%
- **Inverclyde East Central** — 10%
- **Inverclyde** — 40%
- **Inverclyde South** — 10%
- **Inverclyde South West** — 0%
- **Inverclyde West** — 0%

Main Source of Ignition

Cooking appliance	Smoking Related	Heating equipment	Electricity supply
13	5	1	1
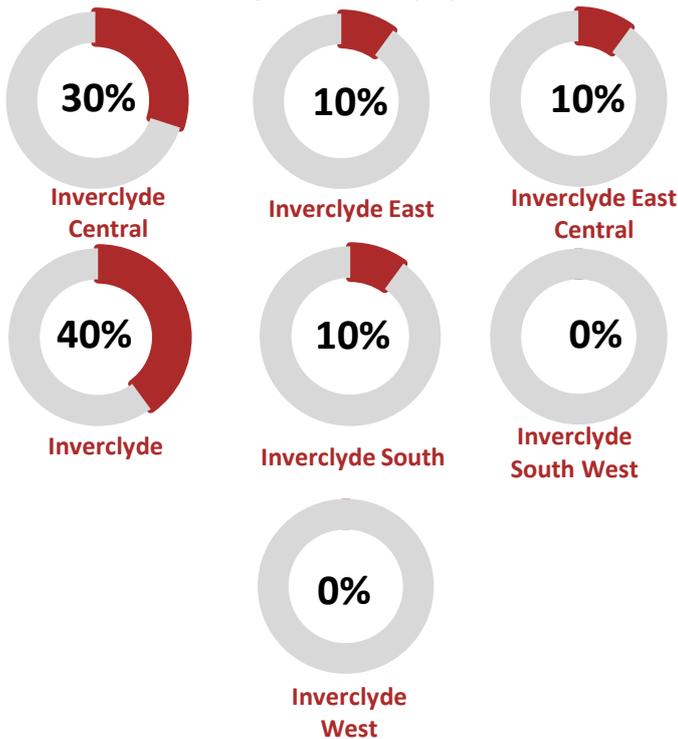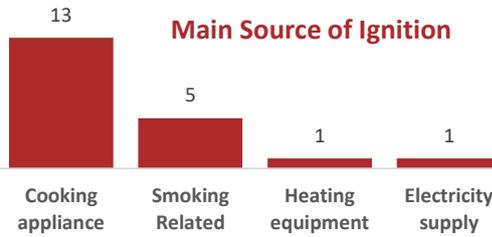
Accidental Dwelling Fires by Time of Day
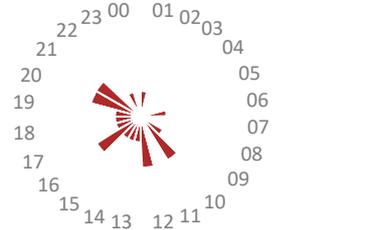
Severity of Accidental Dwelling Fires

- **No Firefighting Action** 60%
- **Direct Firefighting** 10%
- **No Heat/Smoke Damage** 50%
- **No Fire Damage** 15%

Human Factors

- **Distraction** 45%
- **Alcohol/Drug Impairment** 25%

Automatic Detection & Actuation

- **Detection Present** 100%
- **Calls Made via Linked** 80%
- **Detection Actuated** 90%

Accidental Dwelling Fires show an increase of 54% (7 incidents) from Q4 2021/22.
Cooking remains the most common source of ignition within Inverclyde accounting for 13 of the accidental dwelling fires.
60% (12) of the incidents required no firefighting action, 45% (9) were due to distraction and 25% (5) were due to alcohol/drug impairment. 100% of the incidents had detection installed and 90% (18) of them operated and raised the alarm.
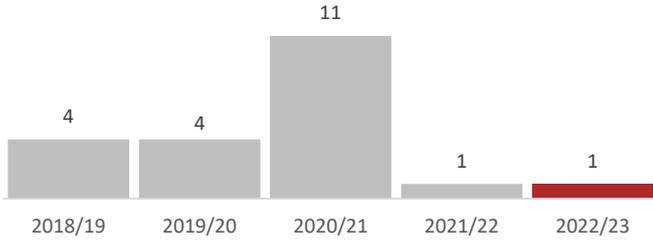
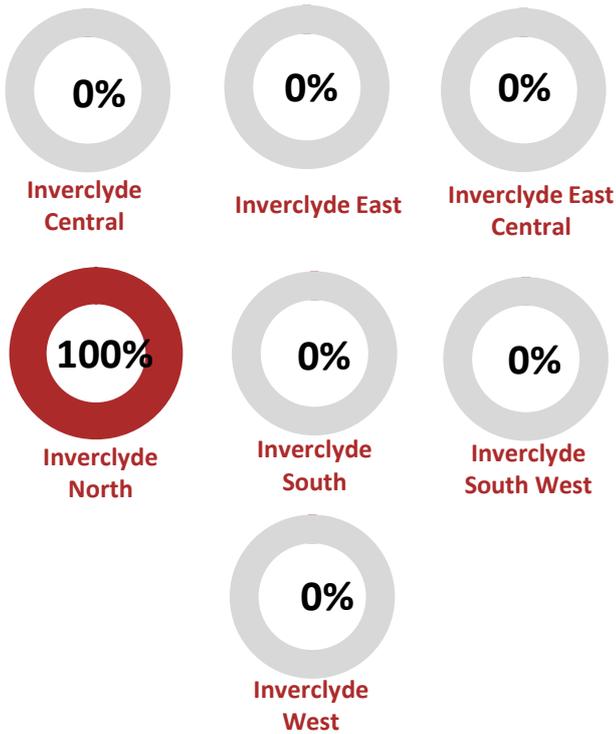# Domestic Safety - Accidental Dwelling Fire Casualties

Performance Summary
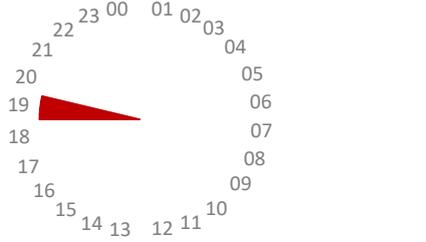
	Year on Year	3 Year Average
	△ 0%	● -20%

Accidental Dwelling Fires Casualties

2018/19	2019/20	2020/21	2021/22	2022/23
4	4	11	1	1

Accidental Dwelling Fire Casualties by Ward (% share)

- Inverclyde Central: 0%
- Inverclyde East: 0%
- Inverclyde East Central: 0%
- Inverclyde North: 100%
- Inverclyde South: 0%
- Inverclyde South West: 0%
- Inverclyde West: 0%

Fire Casualties by Time of Day

00 01 02 03 04 05 06 07 08 09 10 11 12 13 14 15 16 17 18 19 20 21 22 23

Nature of Injury

- Burns - severe: 100%
- 0%
- 0%
- 0%
- 0%
- 0%
- 0%

Extent of Harm

- Fatality: 0%
- Hospital - Serious Injuries: 100
- Hospital - Slight Injuries: 100%
- First Aid at Scene: 0%
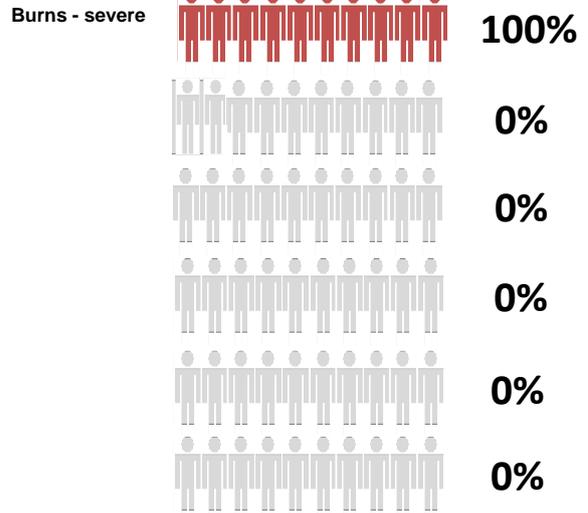
Age / Gender Profile
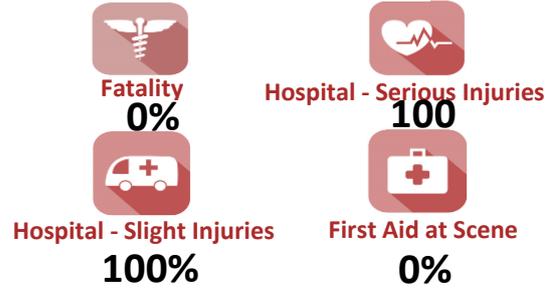
Male 100%   Female 0%

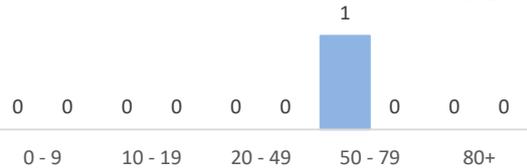| 0 - 9	10 - 19	20 - 49	50 - 79	80+
0 0	0 0	0 0	1 0	0 0

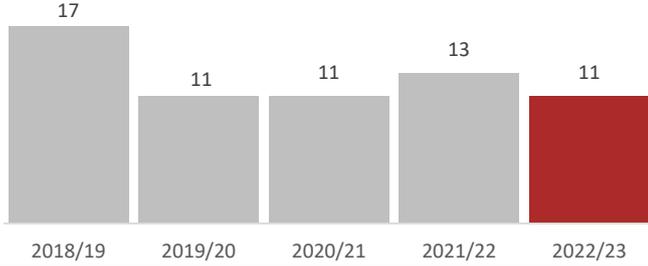The number of fire casualties has remained the same as Q4 2021/22 and decresed by 20% on the 3 year average.
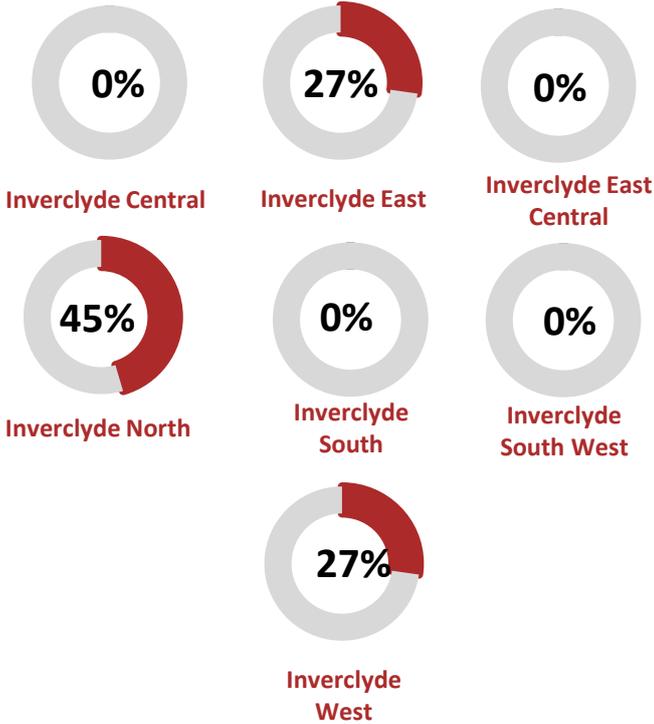
6

Unintentional Injury and Harm

Performance Summary

	Year on Year	3 Year Average
	● -15%	△ 0%

Non-Fire Casualties

2018/19	2019/20	2020/21	2021/22	2022/23
17	11	11	13	11

Non-Fire Casualties by Ward (% share)

- **0%** Inverclyde Central
- **27%** Inverclyde East
- **0%** Inverclyde East Central
- **45%** Inverclyde North
- **0%** Inverclyde South
- **0%** Inverclyde South West
- **27%** Inverclyde West
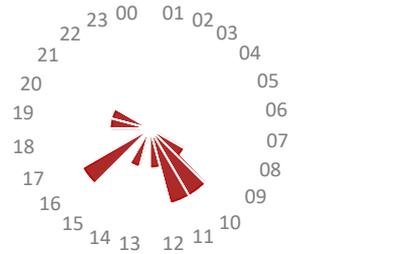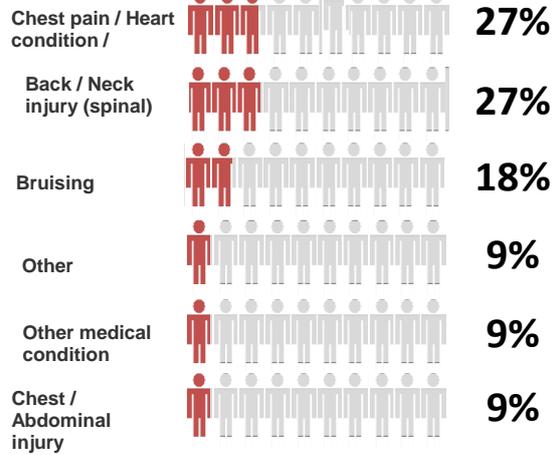
Non-fire casualties show a decrease of 15%(2) casualties from Q4 2021/22. Of the 11 casualties 8 were as a result of Road Traffic Collisions (73%). Incidents involving Assisting Other Agencies accounted for 18% (2 incidents) of all the activity.
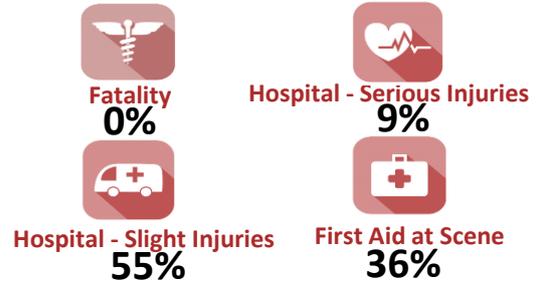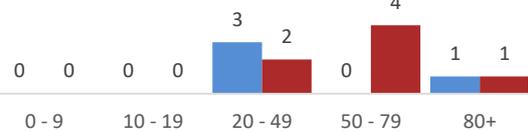
Non-Fire Casualties by Time of Day

(clock chart: hours 00–23)

Nature of Injury

- Chest pain / Heart condition / **27%**
- Back / Neck injury (spinal) **27%**
- Bruising **18%**
- Other **9%**
- Other medical condition **9%**
- Chest / Abdominal injury **9%**

Extent of Harm

- Fatality **0%**
- Hospital - Serious Injuries **9%**
- Hospital - Slight Injuries **55%**
- First Aid at Scene **36%**

Non-Fire Emergency Activity

- Road Traffic Collision **73%**
- Assisting Other Agencies **18%**
- Water Rescue **0%**

Age / Gender Profile

Male 36% **Female 64%**

	0 - 9	10 - 19	20 - 49	50 - 79	80+
Male	0	0	3	0	1
Female	0	0	2	4	1

Deliberate Fire Setting

Performance Summary

Year on Year	3 Year Average
🟢 -61%	🔺 -3%

Deliberate Fires

2018/19	2019/20	2020/21	2021/22	2022/23
55	53	109	114	44

Deliberate Fires by Time of Day

Deliberate Fires by Classification

Primary (blue) / Secondary (red)

Year	Primary	Secondary
2022/23	25%	75%
2021/22	11%	89%
2020/21	8%	92%
2019/20	21%	79%
2018/19	25%	75%
2017/18	38%	62%

Deliberate Fires by Ward (% share)

- **Inverclyde Central** — 11%
- **Inverclyde East** — 14%
- **Inverclyde East Central** — 16%
- **Inverclyde North** — 11%
- **Inverclyde South** — 9%
- **Inverclyde South West** — 25%
- **Inverclyde West** — 14%

Primary Fire Ratio by Activity Type

- **Dwellings** — 27%
- **Other Buildings** — 18%
- **Vehicles** — 45%
- **Other Primary** — 9%

Secondary Fire Ratio by Activity Type

- **Refuse** — 42%
- **Other Secondary** — 58%

Deliberate Fires Compared to Operational Activity

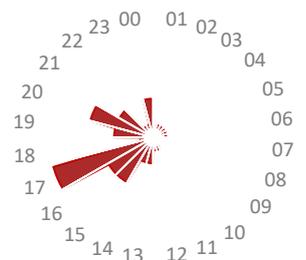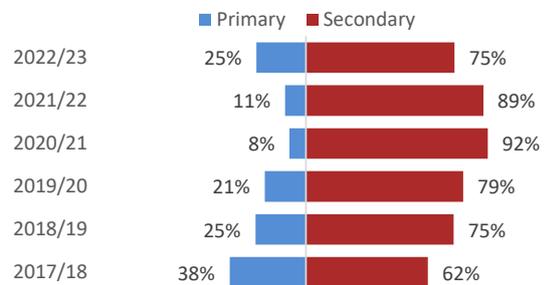|	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23
All Incidents	338	308	319	388	371	298
Deliberate Secondary Fires	24	41	42	100	102	33

Definitions

Primary Fires - all fires in buildings, vehicles and outdoor structures or any fire involving casualties, rescues or fires attended by five or more appliances

Secondary Fires – fire incidents that did not occur at a primary location, was not a chimney fire in an occupied building, did not involve casualties (otherwise categorised as a primary incident) and was attended by four or fewer appliances.
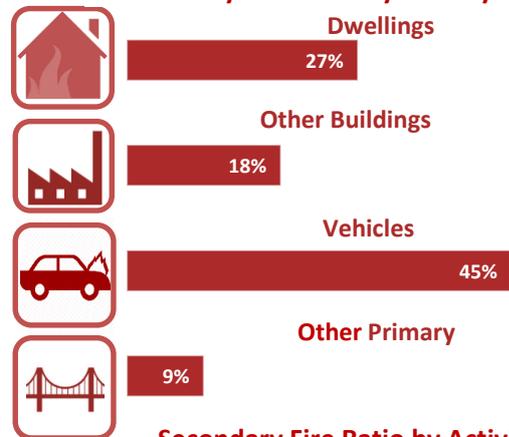
Deliberate fire setting shows a decrease of 61% (70) incidents from Q4 2021/22. Secondary fires accounted for 75% (33) of the incidents within this indicator.
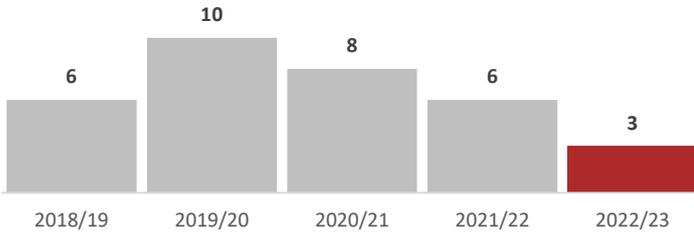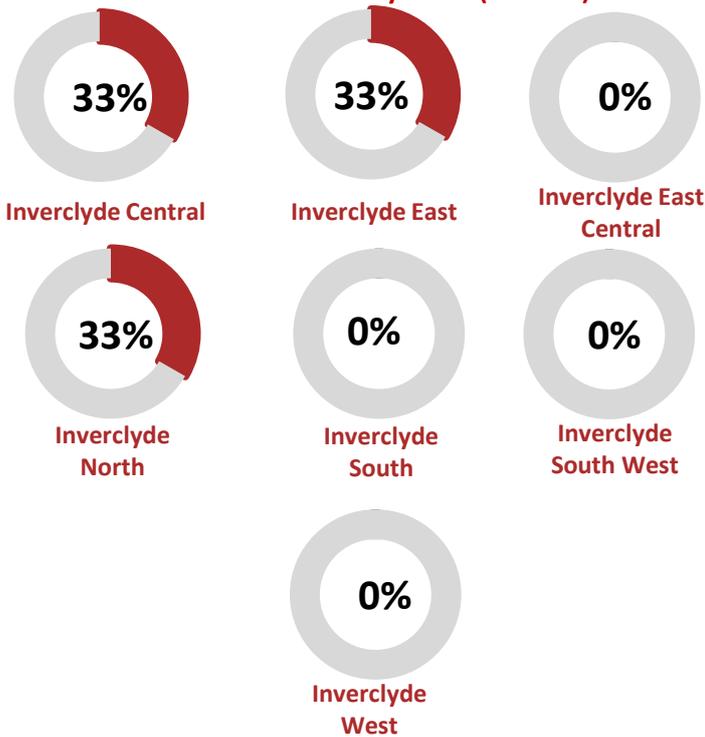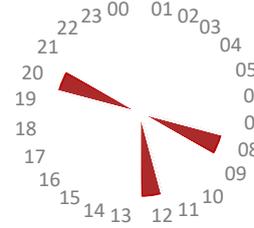
Non Domestic Fire Safety

Performance Summary

	Year on Year	3 Year Average
	-50%	-29%

Non Domestic Fires

2018/19	2019/20	2020/21	2021/22	2022/23
6	10	8	6	3
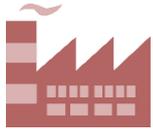
Non-Domestic Fires by Ward (% share)

- **Inverclyde Central** — 33%
- **Inverclyde East** — 33%
- **Inverclyde East Central** — 0%
- **Inverclyde North** — 33%
- **Inverclyde South** — 0%
- **Inverclyde South West** — 0%
- **Inverclyde West** — 0%

Non-Domestic Fires by Time of Day

Non-Domestic Fires by Nature of Origin

- 33% Accidental
- 67% Deliberate
- Not Known
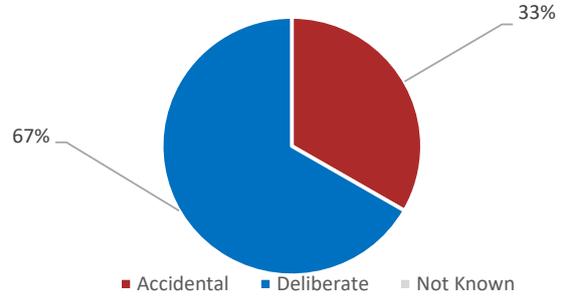
Severity of Non-Domestic Fires

- **No Firefighting Action** 33%
- **Direct Firefighting** 33%
- **Heat/Smoke Damage** 33%
- **No Fire Damage** 33%
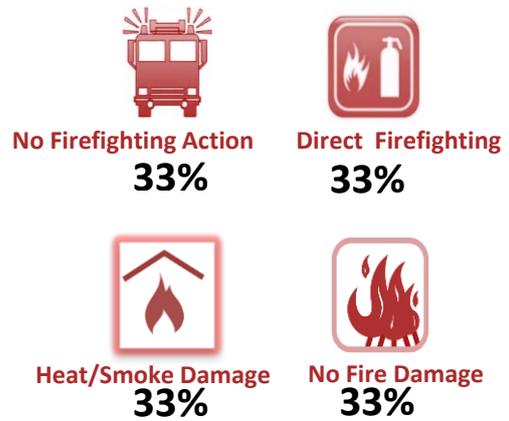
Non-Domestic Fires by Premises Type

Premises Type	Count
Secondary school	1
Sheltered Housing	1
Offices and call centres	1

Non-Domestic fires show a decrease of 50% (3 incidents) from Q4 2021/22 with only 3 incidents within this reporting period.

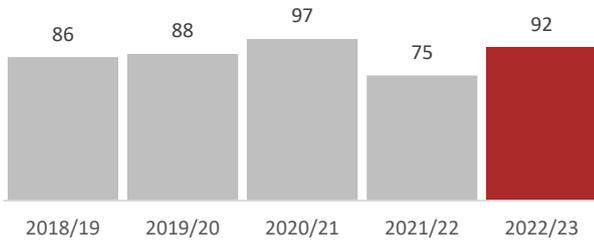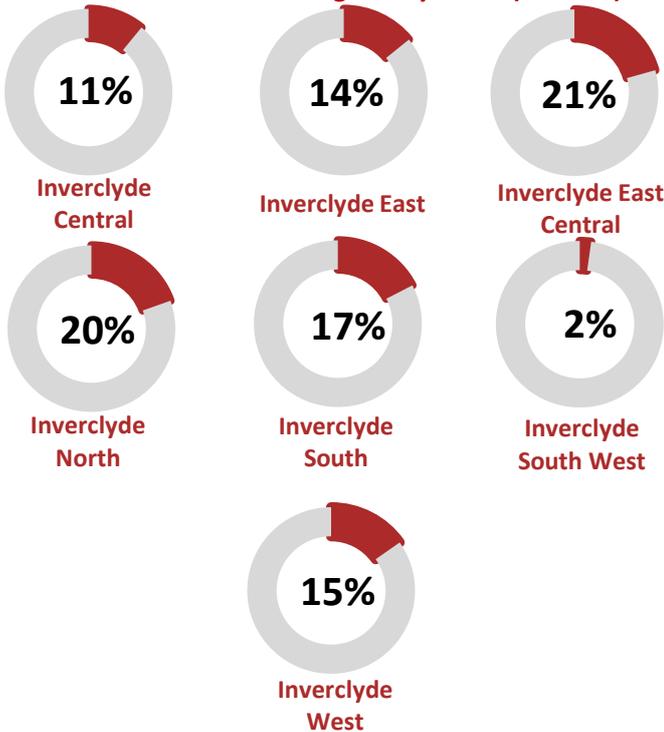# Unwanted Fire Alarm Signals

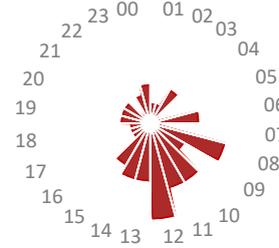## Performance Summary

	Year on Year	3 Year Average
	◆ 23%	◆ 2%

Unwanted Fire Alarm Signals

2018/19	2019/20	2020/21	2021/22	2022/23
86	88	97	75	92

Unwanted Fire Alarm Signals by Ward (% share)

- **11%** Inverclyde Central
- **14%** Inverclyde East
- **21%** Inverclyde East Central
- **20%** Inverclyde North
- **17%** Inverclyde South
- **2%** Inverclyde South West
- **15%** Inverclyde West

Unwanted Fire Alarm Signals by Time of Day

Unwanted Fire Alarm Signals - Top 5 Premises

Premises	%
Hospital	15%
Infant/primary school	9%
Secondary school	7%
Offices and call centres	7%
Pre School/nursery	5%
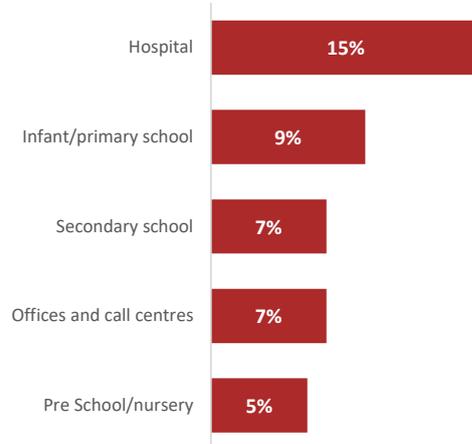
Unwanted Fire Alarm Signals Activity Ratios

UFAS Percentage Against all Incidents
31%

UFAS Percentage Against all False Alarms
57%

Human Influence and Alarm Activations
40%

Average Unwanted Fire Alarm Signals per Day

Mon	Tue	Wed	Thu	Fri	Sat	Sun
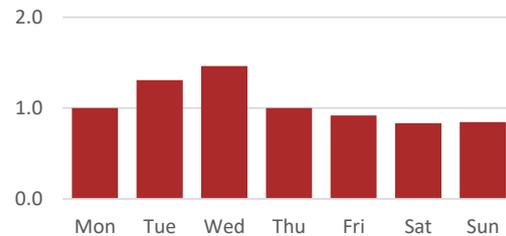
Unwanted Fire Alarm Signals (UFAS) show a 23% (17 incidents) increase from Q4 2021/22. Hospitals accounted for 15% (14) of incidents in this category. 40% (37 incidents) were found to be as a result of human interactions i.e. not isolating the system before testing, cooking, smoking etc.

Inverclyde council

Report To:	**Local Police and Fire Scrutiny Panel**	**Date:**	**25 May 2023**
Report By:	**Corporate Director Education, Communities & Organisational Development**	**Report No:**	**P&F/03/23/HS**
Contact Officer:	**Hugh Scott, Service Manager, Community Learning Development, Community Safety & Resilience and Sport**	**Contact No:**	**01475 715450**
Subject:	**Local Police and Fire Scrutiny Panel Update Report**		

1.0 PURPOSE AND SUMMARY

1.1 ☐For Decision ☒For Information/Noting

1.2 The report informs the panel of local and national initiatives, reviews, and consultations and, where appropriate, informs Members of potential future agenda items relevant to Police Scotland and Scottish Fire and Rescue and local impacts.

1.3 This report is intended to draw these elements together with a view to informing and shaping future meeting agendas as appropriate and raising awareness of emerging issues.

2.0 RECOMMENDATIONS

2.1 That the panel notes the current and emerging national issues relating to Police and Fire & Rescue matters.

Ruth Binks
Corporate Director
Education, Communities & Organisational Development

3.0 THE SCOTTISH POLICE AUTHORITY BOARD

3.1 The meeting of SPA Board was held on the 23 Feb 2023 https://www.spa.police.uk/meetings/authority-meetings/23-february-2023/ and considered several matters, including: -
- Partnership agreement with COSLA
- Draft budget 2023-24
- 'Is That Me' Campaign
- Local Authority engagement
- Drink and drug driving update
- Mental health in policing conference

3.2 Partnership agreement with COSLA

The SPA Chair attended the COSLA Leaders Forum on Friday 24 February 2023, with the Chief Constable, to discuss a new partnership agreement between the organisations. This is an important step in joint efforts to reinforce focus on localism within policing. The agreement describes a shared commitment to working together on a collective purpose of serving, protecting, and enhancing local communities. The agreement also describes a shared commitments to local scrutiny and accountability; prevention and early intervention; health and wellbeing; and resource and investment.

The agreement will be underpinned by a partnership delivery plan and progressed by officers. Subject to COSLA Leaders' endorsement, the agreement will be published and promoted by the Authority and COSLA on respective websites.

3.3 Draft budget 2023-24

The Scottish Government set out its draft budget on 15 December 2022. The funding proposed for policing represents an improved position from the indications contained in last year's Resource Spending Review. The Authority and Police Scotland worked hard to make the case for policing and forensic services and acknowledge this support at a time when public spending is facing considerable constraint. However, there is agreement that there needs to be prioritisation of spending to ensure there is a balanced budget that delivers the best possible service for policing in the year ahead.

3.4 'Is That Me' Campaign

Domestic abuse campaign 'Is That Me' (https://www.scotland.police.uk/isthatme) commenced on Tuesday 13 December 2022. The campaign challenges attitudes that drive abusive behaviour in men aged 18 – 25 years and encourages them to reflect on their current attitudes and behaviours with regards to relationships and how they treat partners and take action to stop domestic abuse before it starts.

Members of the Board sought further information on benchmarking and performance measures against domestic abuse campaigns. Chief Constable Iain Livingstone responded that the campaigns are one of many mechanisms to drive prevention work, but the organisation is still working to establish levels of awareness and online views.

Chief Constable Iain Livingstone added that to assess the success of the campaign, Police Scotland would measure the visibility, views and assess the impact of the campaign closely, as has been done for previous successful campaigns. Members heard the campaigns try to raise conversations; and discussions with victims and partner agencies are informing the impact level.

The Violence Against Women and Girls Strategy and its associated implementation plan and performance framework will also assist with benchmarking work.

3.5 Local Authority engagement

On Thursday 13 December 2022, Deputy Chief Constable Malcolm Graham and other members of the Police Scotland senior leadership team contributed to a virtual meeting of the COSLA Police Scrutiny Convener's Forum. The meeting once again underlined the importance of local policing across Scotland and facilitated positive discussion on a number of areas of shared interest, including Violence Against Women and Girls Strategy (see 4.0 below) and local policing plans.

3.6 Drink and drug driving update

A Festive Drink and Drug Drive operation took place during December. The intelligence-led campaign was supported by public messaging and involved targeted deployment of officers from Road Policing and Local Policing Divisions, to deter and detect those who continue to put themselves and others at risk of harm through driving while under the influence of alcohol or drugs. During the campaign, officers carried out over 3,000 roadside tests, leading to the detection of over 720 drink or drug impairment offences.

Members of the Board sought comment on the prevalence of drink and drug driving to which Chief Constable Iain Livingstone confirmed the increase was concerning. Deputy Chief Constable Jane Connors informed Members that between April and the end of January there had been a 5% increase compared to the same period last year. Of the roadside tests undertaken, all of which had been stopped with cause, 52% returned a positive result. Members heard that the increase could be affiliated to an increase in officer testing and technology now available.

3.7 Mental health in policing conference

The Authority hosted a conference on mental health, vulnerability, and policing on 9 December 2022, attended by representatives from across the public and third sector. Scottish Police Authority Member Fiona McQueen chaired the event which focused on the societal-wide impact of poor mental health in the community, establishing a common understanding of the challenge and current approaches to addressing it, and seeking to identify current best practice which could be adopted across partnership interfaces. Presentations from the event are available on the Authority website (https://www.spa.police.uk/strategy-performance/joint-evidence-and-research-roundtables/mental-health-vulnerability-and-policing/), with a video summary of the event and conference report on next steps.

Following on from that successful event there will be a further session this year which will focus on workforce trauma across the policing system. The event will explore approaches to preventing, managing, and minimising the impact of work-based trauma; and consider practice within Police Scotland and Forensic Services and a range of other services.

4.0 Police Scotland Violence Against Women Strategy

4.1 At the Policing Performance Committee (PPC) on 16 March, Police Scotland presented the Violence against Women and Girls Strategy (VAWG), a key element of Police Scotland's strategic framework, aligned to the Joint Strategy for Policing and strategic outcomes.

A significant programme of research and engagement activity was undertaken by Police Scotland to develop a VAWG strategy that meets the needs of victims and survivors and reflects the unique role policing has in tackling VAWG.

The strategy is underpinned by a draft implementation plan, outlining some of the key activities which will support delivery of the four strategic outcomes identified within the strategy. The strategy and implementation plan was presented to the full Authority on 23 March for further discussion and approval.

The strategy document can be viewed here https://www.scotland.police.uk/spa-media/ofufdhff/violence-against-women-girls-strategy-v4.pdf

5.0 COLLABORATION BETWEEN LOCAL GOVERNMENT AND POLICING

5.1 COSLA, Police Scotland and the Scottish Police Authority (SPA) have agreed four key priority areas to strengthen collaboration between Local Government and policing in the years ahead.

A Strategic Partnership Agreement sets out a commitment to strengthening existing collaboration on a range of agreed strategic priorities, as well as promote and support partnership working. The four priority areas which the organisations will focus on over the current term (2022-2027) are:

- local scrutiny and accountability;
- prevention and early intervention;
- health and wellbeing; and
- resource and investment.

A Partnership Delivery Plan will be developed to drive forward progress on these priorities.

6.0 LOCAL POLICE PLANS – A FRAMEWORK FOR SCRUTINY

6.1 During 2022 the Scottish Police Authority and COSLA worked in partnership with local government representatives to develop new guidance for Elected Members to support their scrutiny of local police planning. The framework for scrutiny was endorsed in December at the COSLA Police Scrutiny Conveners' Forum, which represents scrutiny arrangements for all 32 Local Authority areas.

6.2 At its meeting of 23 March 2023, it was requested that Council Officers provide links to the additional scrutiny guidance documents referred to in the framework documents and enquire about training for Elected Member scrutiny.

6.3 The links to the documents are provided here:

- Elected Member Notebook: Scrutiny https://www.improvementservice.org.uk/__data/assets/pdf_file/0013/8311/em-scrutiny-notebook.pdf; and
- Scrutiny: What Elected Members Need to Know https://www.improvementservice.org.uk/__data/assets/pdf_file/0014/8312/scrutiny-what-em-need-to-know.pdf

These documents, and the new framework, are also provided as appendices to this report

6.4 Enquiries have been made with both COSLA and the SPA regarding Elected Member scrutiny training, who have responded with confirmation that while training is not yet available, they plan to liaise with the Improvement Service to consider input sessions which build on the development of the framework. This will form part of their framework review process during the year.

7.0 THE SCOTTISH FIRE & RESCUE SERVICE BOARD

7.1 The SFRS held a special board meeting on the 23 February 2023 https://www.firescotland.gov.uk/about-us/sfrs-board/board-meetings, to consider the budget approach 2023-24

7.2 The Board were provided with a brief update on the issues raised by the Board at their meeting on 15 December 2022 and highlighted the following key changes:

- acknowledgment of Board's concerns regarding magnitude and deliverability of savings. Following SG's budget announcement and subsequent funding, the risk of deliverability of savings had reduced but would remain challenging.
- additional information on Resource Spending Review (RSR) programme would be provided at the Strategy Day following this meeting.
- long Term Financial Strategy would be reviewed in 2023 as deemed no longer relevant.
- reduction in inflation rate (10.5%).
- financial budget updated to reflect the additional funding from SG.
- medium term financial model amended to reflect the additional resource funding from SG (£10.0m), potential savings (£5.5m) and further savings (£31.5m) in terms of the RSR.
- inclusion of revised uniformed pay award offer.

In regard to pay award, the Board were advised that the funding for 2023/24 had been offered from SG and further support would be required for 2024/25. To be discussed further within the Strategy Day.

8.0 SFRS PAY OFFER

8.1 Members of the Fire Brigades Union (FBU) have accepted the National Employers pay offer

9.0 IMPLICATIONS

9.1 The table below shows whether risks and implications apply if the recommendation(s) is(are) agreed:

SUBJECT	YES	NO	N/A
Financial		X	
Legal/Risk		X	
Human Resources		X	
Strategic (LOIP/Corporate Plan)		X	
Equalities & Fairer Scotland Duty			X
Children & Young People's Rights & Wellbeing			X
Environmental & Sustainability			X
Data Protection			X

9.2 **Finance**

One off Costs

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report	Virement From	Other Comments
N/A					

Annually Recurring Costs/ (Savings)

Cost Centre	Budget Heading	With Effect from	Annual Net Impact	Virement From (If Applicable)	Other Comments
N/A					

9.3 **Legal/Risk**

There are no legal/risk implications contained within this report.

9.4 **Human Resources**

There are no human resource implications contained within this report.

9.5 **Strategic**

There are no strategic implications contained within this report.

10.0 CONSULTATION

10.1 There were no consultations required outside those noted in the report.

11.0 BACKGROUND PAPERS

11.1 There are no background papers associated with this report.

is.

improvement **service**

Elected Member Notebook

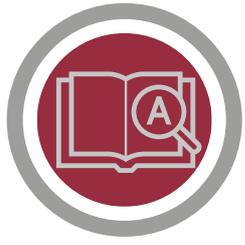# Scrutiny

Contents

Acknowledgements

1. Introduction

The Improvement Service (IS) has produced this notebook as an aid to scrutiny for elected members. Whether or not you are involved directly in your council's scrutiny function, understanding how scrutiny works and how to apply the skills upon which effective scrutiny depends will help you across the broad range of roles you are called upon to undertake as an elected member.

Importantly, it will also give you the knowledge and techniques you need to be an effective member of a scrutiny committee.

The Improvement Service has also produced a **shorter notebook** for elected members that want an overview of the key points of scrutiny without the level of detail contained in this notebook.

2. Definition — What is Scrutiny?

> **Key points for this section**
>
> 1. Scrutiny is every elected member's job.
>
> 2. The overall objective of scrutiny is improvement.
>
> 3. Scrutiny is less about the activities that services undertake than it is about the outcomes they deliver.

At its most basic level, 'scrutiny' means a 'methodical examination' or 'close and critical inquiry'. So, when we talk about scrutiny within councils, we mean the process of holding 'others' to account through monitoring, examination and questioning of decisions, actions and performance.

However, there are some other things we should recognise when we think of scrutiny in a local government setting.

- 'Scrutiny' refers to both the formal committees which undertake this kind of inquiry work and the process they pursue in doing that work. Furthermore, a number of different names are used to describe those committees which have a role in scrutiny. These include the use of generic 'committee' or 'panel' preceded by 'scrutiny', 'audit and scrutiny', 'standards, audit and scrutiny', 'scrutiny, audit and performance', 'audit, risk and

scrutiny' and other variations reflecting the combination of different responsibilities in different councils. **In this notebook, we use the broad term 'scrutiny committees' to refer to all these committees.**

- Scrutiny is every elected member's job. Tempting as it might be to think that only members of a scrutiny committee must undertake scrutiny, the need to garner, interrogate and assess evidence and come to reasoned and proportionate judgements based on a range of evidence is the nitty-gritty of every committee you will sit on and every judgement you will undertake as an elected member. The skills you need for scrutiny are an essential subset of the skills you require to operate as an elected member.

- Those who may be scrutinised may be other elected members, (e.g. the council Executive), or council
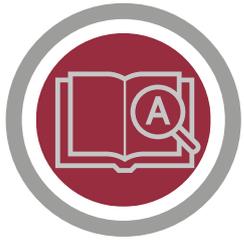
officers (e.g. the council Corporate Management Team). In the context of Community Planning, the Community Planning Partnership or individual partner agencies, arms-length external organisations (ALEOs) or other council arms-length bodies may all be subjects of scrutiny. All these 'others' need to be held to account, for delivery of agreed objectives and/or stewardship of public resources.

- The overall objective of scrutiny is improvement. There is an unremitting demand upon council services to deliver real improvements to their communities, customers or users. Pressure to continuously improve is driven by reducing resources, and increased customer and service user expectations; a juxtaposition coined in the well-versed mantra of 'doing things well for less'. Additionally, of course, the aspirations of elected members and council officers are key motivations for improvement, while the statutory obligations of councils to deliver 'Best Value' and to 'Follow the Public Pound' place specific demands on councils in pursuing improvement.

- Scrutiny is integral to the process of effective decision-making.

Effective scrutiny can improve the evidence base for decisions on the allocation of resources as well as ensuring that decisions are transparent and in accordance with the needs of the local community. Engaging the public in the difficult choices the council faces can play a significant role in ensuring implementation is done correctly. Scrutiny also has an important role to play in contributing to developing policy, undertaking specific reviews and in monitoring performance. It should be an essential element of these processes by all decision-makers.

- Scrutiny should seek to break out beyond traditional adversarial and organisational boundaries and be a genuinely creative force in generating new ideas. Scrutiny should be dynamic, innovative and purposeful, while striving also to be cost effective.

- Your communities have chosen you to represent them. You have a crucial democratic role in, for example, engaging members of the public and challenging assumptions about existing ways of working. Thus, scrutiny is fundamental to improving the democratic process of decision-making by improving the quality
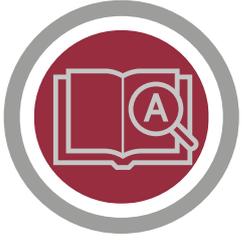
of debate (such as by introducing new evidence, new arguments, greater openness, more external participation), and even by initiating debate that would not otherwise have taken place. Simply put, effective scrutiny increases accountability, transparency and credibility.

• Increasingly, scrutiny is less about the activities that services undertake than it is about the outcomes they deliver. The last decade has seen the development of a new approach to public policy in Scotland. The traditional method in which interventions were measured by the resource inputs made by public agencies has given way increasingly to a partnership approach to policy which measures success by means of social outcomes.

We will enlarge on these ideas later in this notebook. However, if there's a message at this point, it's that **scrutiny should be more than a process of enquiry. It is a vital component of good governance and improves councils' decision-making, service provision and cost-effectiveness**.

3. Context

Key points for this section

1. In a climate of reducing resources the importance of scrutiny has never been greater.

2. Scrutiny must be seen as an investment in improvement.

3. The scrutiny arrangements in a local authority are a matter for elected members to determine in consultation with officers.

4. The principal power of a scrutiny committee is to influence the decisions and policies of the council and other organisations involved in delivering public services.

5. It is scrutiny's 'soft power', its capacity to influence, which is the heart of its power.

6. Elected members have a moral right to scrutinise the decisions, arrangements and performance of local providers on behalf of the citizens they represent.

3.1 The Wider Context

3.1.1 Perma-austerity and the outlook for local government

Over the last decade, austerity has become a predominant and pervasive feature of the local government and scrutiny landscape.

To add to the picture, a host of other pressures bear down on councils:

- greater demands for their services, not least from citizens confronted by personal financial pressures

- the challenges of meeting the needs of Scotland's growing older population

- far-reaching reforms in health and social care as well as significant changes in education

- new duties under the **Community Empowerment (Scotland) Act 2015**

- budgetary, legislative and regulatory impacts of the UK's proposed exit from the European Union.

It is a fair assessment to suggest that the outlook for local government remains extremely challenging. Acknowledging 'councils have been effective in balancing their annual budgets until now', the Accounts Commission noted that elected

members 'face increasingly difficult decisions about how best to spend their reducing budgets. This requires clear priorities and better long-term planning ... And in a climate of reducing resources the importance of scrutiny has never been greater. Scrutiny arrangements must add demonstrable value in monitoring the planning, execution and follow-up of key decisions. The public needs to have confidence that their council's arrangements are transparent, independent and effective. If they are not, the public interest is not being met.' [**p4-5 Audit Scotland 'An Overview of Local Government in Scotland 2016**']

To meet these challenges councils need to deliver:

- improved outcomes with sharply diminishing resources

- Increased efficiency and productivity

- clear and hard prioritisation within and between services

- engagement of communities both to increase the transparency of council decision-making processes and to improve and augment the internal capacity and resources of communities

- more effective collaboration.

As we shall see in future sections, scrutiny has a fundamental role in answering the 'how?' embodied within these challenges, and through proper planning, diligent consideration of the evidence and careful judgement, scrutiny can add decisively to councils' efforts to navigate unprecedented financial and service challenges.

3.1.2 The public policy context

The primary yardstick for assessing the quality of decision-making, performance and outcomes delivered by public bodies in Scotland is 'Best Value'. Audit Scotland, the independent body responsible for assuring the people of Scotland that public money is spent wisely, characterises Best Value as 'ensuring that there is good governance and effective management of resources, with a focus on improvement, to deliver the best possible outcomes for the public'.

Councils have a statutory duty, introduced in the **Local Government (Scotland) Act 2003**, to make arrangements to secure Best Value. In summary, the legislation obliges each council to:

- work with its partners to identify a clear set of priorities that

respond to the needs of the local community

- be organised to deliver those priorities

- meet and clearly demonstrate that it is meeting the community's needs

- operate in a way that drives continuous improvement in all its activities.

In public policy terms, scrutiny will be pursuing the right objective if its purpose is to embed the principles of Best Value within the activities of the council.

Closely related to Best Value is 'Following the Public Pound' aimed at ensuring that there is proper accountability for public funds used in delivering services, when the council decides to fund external organisations that deliver services that might otherwise be delivered by the council itself. 'Following the Public Pound' does not apply when the council's financial relationships with external organisations are on a straightforward contractual basis, such as those resulting from open tender, but it does apply to all other arrangements, ranging from one-off grants to voluntary organisations to large-scale regular contributions to the operating

costs of organisations created by the council to provide services that it previously provided directly. That resources are so pressured gives the issue of such funding added seriousness, with the **Accounts Commission** and **Convention of Scottish Local Authorities** (COSLA) having agreed a '**Code of Guidance on Funding External Bodies and Following the Public Pound**' in 2004, and the Accounts Commission issuing regular reports on best practice, councils' compliance and key points for action.

Over the last few years, in Scotland, as in other parts of the world, there has been increasing interest in a 'wellbeing' approach to government, which focuses on societal progress through measuring wellbeing as a function of improvements in quality of life, material conditions and sustainability. In Scotland, this has found its principal expression in the **Christie Commission** and the **National Performance Framework (NPF)** now enshrined in legislation through the Community Empowerment (Scotland) Act 2015.

As a first step, in 2007 Scottish Government set out its vision in the National Performance Framework (NPF), promoting improved wellbeing as the measure of effective public

policy based upon the assessment of outcomes. NPF was then augmented by the development of Single Outcome Agreements (SOAs), first introduced in 2009, by which Scottish Government and Community Planning Partnerships sought to specify shared priorities for each council area, consistent with Scottish Government's strategic goals.

The Christie Commission added impetus to these developments. To tackle deep-rooted, and highly complex issues like poverty, poor health and educational attainment, the Christie Commission advocated a joined-up approach in which public services are viewed as a whole system. The Commission report (2011) recommended that public services should: prioritise prevention, involve people and communities, promote partnership working and increase the efficiency of public services. Above all, it contended the focus should be on outcomes rather than process and inputs.

The Statement of Ambition (March 2012) agreed by the National Community Planning Review Group, and the subsequent Agreement on Joint Working on Community Planning and Resourcing (September 2013) reaffirmed the commitment of Scottish Government and councils

(through the Convention of Scottish Local Authorities), first, to retain and develop Community Planning and SOAs as the heart of an outcomes-based approach to public services in Scotland and, second, to mobilise the full might of public sector assets, activities and resources, together with those of the third and private sectors and local communities in pursuit of SOA priorities.

The Community Empowerment (Scotland) Act 2015 takes these ambitions a stage further, setting out a specific legislative requirement to improve outcomes and ensure that:

- communities are central to the process

- effective collaboration and joint resourcing takes place amongst partners

- a robust evidence base is utilised to ensure efforts are targeted on areas of greatest need

- a real and sustainable reduction in inequalities is achieved.

In effect, as individual partners are placed under a statutory duty to ensure unqualified commitment to community planning, Community Planning Partnerships (CPPs) are being handed a new set of powers,

and increased expectations around reducing inequality and enhancing community participation.

Reflecting these priorities, SOAs have been replaced by [Local Outcome Improvement Plans](). Section 6(1) of the 2015 Act requires each CPP to produce and publish a Local Outcomes Improvement Plan (LOIP). Based on agreed local priorities, the LOIP provides a shared and explicit plan for local communities in each CPP area, which binds its signatories.

The requirements of LOIPs have important implications for scrutiny. Particularly important are:

- the need for quality evidence and analysis of the area and its communities, and the variations in outcomes between communities

- the emphasis on preventative work in securing the most efficient use of resources by pre-empting negative outcomes

- clarity on where councils and CPPs can add value and genuinely improve outcomes

- the duty to secure active participation by communities and community organisations

- clarity about the level of improvement and the timescales for each improvement commitment in the plan and how outcomes will be measured.

In fact, scrutiny is fundamental to ensuring that these requirements are met. Thus, councils and their partners will need to be clear about scrutiny, performance and accountability arrangements for the plan. Monitoring delivery of the plan is likely to reside with the CPP Board, but councils' scrutiny committees have a potential role in assessing the council's contribution or proposed contribution, and in supporting delivery of the plan more broadly through monitoring, examination and constructive challenge. Recognising the need to secure the active participation of communities and community organisations in LOIPs, CPPs should also consider how they facilitate the involvement of communities and community organisations in scrutiny and performance monitoring.

3.2 The Basis of Scrutiny

Unlike England, Wales and Northern Ireland, there are no legislative provisions for scrutiny in Scotland. Furthermore, there is no requirement for councils to adopt a particular decision-making and scrutiny

structure: it is a matter for each council to decide what is most appropriate for its particular circumstances and context.

A SPICe Report of December 2013 found that in recent years a number of local authorities had altered their decision-making structures in pursuit of more efficient, accountable and transparent arrangements. This included streamlining committee structures, reducing the number of service-specific committees, and focusing on broader, more cross-cutting thematic areas.

A brief exploration of council governance arrangements since the May 2017 local government elections suggests that 11 councils operate an executive usually accompanied by a distinct scrutiny function. Of the remainder, one appears to operate a hybrid executive/scrutiny/committee system and the remaining 20 operate a committee system, but invariably also have separate scrutiny committees or panels of one sort or another. In short, the picture is one in which scrutiny of council decision-making, performance and policy is a highly visible part of governance arrangements, but the precise shape of local arrangements is variable judging from the terms of reference allotted to different committees.

In some councils, it seems every committee has a scrutiny remit. The variation in approach reflects the fact that scrutiny within councils in Scotland is predicated on council Schemes of Administration, not directly on statute. **In other words, the shape and content of arrangements is a matter for elected members to determine in consultation with officers.**

In light of the developing landscape described in *3.1 Wider Context*, Audit Scotland reviewed its approach to auditing Best Value. The result, from 2016, is a more frequent audit of councils, based upon the assessment of risk, which contemplates the realities of economic pressures, resource pressures, partnership working, increased use of external delivery, health and social care integration, the Community Empowerment Act, and coalition politics, and, of course, the primacy of outcomes as the measure of the council's effectiveness. This refocusing of Best Value reviews (in which the primacy of audit and risk are reflected in the name, 'Best Value Assurance Reports') adds further weight to the necessity of clear, well-defined and effective scrutiny arrangements.

3.3 Formal Scrutiny

When considering how to define scrutiny, we noted that the word 'scrutiny' is used both to denote the activity of inquiry by which council decisions, performance and outcomes are assessed and improved, and to describe the committees which have a formal role in such activity. In this section, we consider scrutiny as a formal process and, frequently, self-standing committee within a council structure.

As we have seen, the majority of Scottish councils operate some form of scrutiny committee. Reflecting the recommendations of the **McIntosh Report** (1999), and practice elsewhere in the UK, where a council operates an Executive as its principal strategic decision-making body, then a scrutiny committee is almost always included as part of the governance arrangements. In such a structure, one of the essential roles of elected members who are not members of the executive is to scrutinise the decisions and activities of the executive committee. Whichever governance system a council operates, however, scrutiny is an essential part of ensuring that the local authority remains open and accountable. So, in councils where there is no discrete scrutiny committee and directorates report to distinct service/thematic committees, the driving of improvements through scrutiny within those committees is still expected to take place.

3.3.1 Powers of scrutiny

We have already established that, unlike other parts of the UK, there is no set of statutory ground rules in Scotland, which establish the role and operation of scrutiny within local government or even its right to exist. The shape of scrutiny arrangements is a matter for councils themselves within the structure of the council's governance arrangements, and the responsibilities of committees and of council officers being specified within the Scheme of Administration and the Scheme of Delegation. The Local Government (Scotland) Act 1973 requires that some functions (e.g. setting the annual budget and council tax) can only be taken by full council. However, the Act also allows local authorities to delegate most decision-making to committees, sub-committees or council officers. These arrangements, including the arrangements for scrutiny, are set out in the council's Schemes of Administration and Delegation. These are very important documents and you should familiarise yourself with them.

It also follows that, if the requirement

for scrutiny and the shape of scrutiny arrangements is not established by statute, then nor does scrutiny have prescribed powers. Again, this contrasts with the position in England and Wales where scrutiny committees have formal powers to require council officers and councillors to come and give evidence to them, to require information from the council and to require a response to any recommendations that they may put to the council's executive. In Scotland, compliance with requests for attendance, information or response reflect established norms, and rule setting within Schemes of Administration and Delegation rather than of statutory based rules. If a scrutiny committee judged that requirements had not met with a reasonable response, resolution would be probably first a matter of dialogue, and ultimately a judgement for full council or, conceivably, a code of conduct issue.

The principal power of a scrutiny committee is to influence the decisions and policies of the council and other organisations involved in delivering public services. Scrutiny has a vital role, investigating 'big ticket' issues for the council and those issues which most affect the local area or the area's inhabitants, but it cannot compel anyone to do anything. **It is scrutiny's 'soft power', its capacity to influence, which is the heart of its power**.

The significance of this power should not be under-estimated. There are few things more powerful than cogent judgement based upon careful balanced assessment of the evidence. As US President John Adams put it, 'Facts are stubborn things; and whatever may be our wishes, our inclinations, or the dictates of our passions, they cannot alter the state of facts and evidence.' A scrutiny committee will gather evidence and make recommendations based on its findings. A decision-making committee or executive which insists on a course of action despite the evidence may amount to a repudiation of the very principles of Best Value which elected members have a duty to uphold

For the most part, of course, directly opposing positions and conflict between decision-makers and scrutiny should not be the norm. The object is to add value to council decision-making, to inject rigour into its policy development, and to provide assurance on improving performance.

If scrutiny is to do its job effectively, then:

- the importance, status and value of scrutiny must be recognised,

sustained and reinforced by elected members and officers and their actions, and

- members, officers and the organisations involved in delivering public services and community planning must regard scrutiny as an investment in improvement.

To achieve that, scrutiny committees need to consider how to build a positive working relationship with those who are the subject of scrutiny's recommendations. Indeed, as we shall see in section 4 '*What is Effective Scrutiny?*', for scrutiny to be effective, all parties need to be willing to make it work. This ensures a much higher chance of scrutiny's recommendations being implemented, and the intended benefits of its oversight being delivered.

3.3.2 Types of scrutiny and the subjects of scrutiny

Broadly speaking, scrutiny in local government can be divided into three broad categories: horizon-scanning scrutiny; pre-decision scrutiny; and post-decision scrutiny.

Horizon-scanning scrutiny looks ahead to changes that are likely to be necessary because of proposed developments or some probable contingency, usually external to

the council but with significant implications for its operation. The UK Government's introduction of Universal Credit and other changes to the welfare system, Scottish Government's educational reforms, and the budgetary imperatives likely to flow from future resourcing of local government are all examples of this. The object of the exercise is to inform the council's preparations and put it in the best possible position to respond to likely challenges.

Pre-decision scrutiny examines a council's proposals, objectives and draft programmes to inform their development before they are enacted. In this way, scrutiny can help the council to achieve optimum results by avoiding mistakes and making the best of opportunities.

Post-decision scrutiny looks at the implementation of council policy, projects and performance in retrospect. This enables scrutiny to review the effects of its decision-making, policy and practice based on direct evidence of actual outcomes measured against intended goals. This enables the council to identify mistakes, or unforeseen consequences so that the decision or activity can be refined and improved.

As for what can be scrutinised, any council activity, or indeed, the activity

Scrutiny of decision making

Why was the decision necessary? What information formed the basis of the decision? Was the information correct and/or sufficient? Was the right decision taken?

Scrutiny of policy

What 'need' does policy aim to address? How well does it address that need? What other options were considered? Why were they discounted and this policy adopted? What is the evidence for the policy approach adopted?

Scrutiny of policy implementation

What was the policy intended to achieve? What is the result of implementation? Is there a gap between expectation and experience, if so why? Was it bad policy, or bad implementation? How can the result be improved?

Scrutiny of projects

Was a proper options appraisal based on all relevant research and information undertaken, and an appropriate judgement made in pursuing the course adopted? What are the key factors in deciding whether to proceed with a project?

of a partner organisation could be the subject of a scrutiny review. Scrutiny might be of a decision, a policy, a project or programme, the implementation of any of these, or the assessment of a set of circumstances with a view to informing the creation of future policy. It might relate to proposals for spending and investment, the performance of the council or the performance of partner organisations or ALEOs, or the risk, liability and sustainability of a council project or service.

As for who or what might be the subject of scrutiny, it will include all the following at some point and potentially more than one within the same scrutiny review in many cases:

- scrutiny of the executive or council administration and specifically, the policies, policy implementation, decisions and performance for which they are politically and strategically responsible.

- scrutiny of the council management, and particularly the council senior management team, on their analysis, option selections and recommendations to elected members on proposed policies, decisions, and projects.

- scrutiny of partner agencies — what is/will be the impact of their policies, decisions, actions, service delivery on communities; are they contributing to the achievement of the LOIP? Police and fire are key community planning partners, but also directly accountable to local authorities for local service delivery.

- scrutiny of arm's length external organisations – given that ALEOs are formally separate from a local authority but subject to its control and influence, councils have a clear interest in the decision-making, operation and performance of such organisations. There is however, an important distinction to be made between corporate governance of these bodies by elected members who

sit on the boards of ALEOs, and elected members holding them to account through scrutiny on behalf of the council. Confusion between these roles may lead to problems.

3.3.3 The Scrutiny of partners and ALEOs

The Police and Fire Reform (Scotland) Act 2012, which came into force on 1 April 2013, amalgamated Scotland's eight regional police forces into a single service called 'Police Scotland' (PS), and merged the eight Fire and Rescue Services to form the 'Scottish Fire and Rescue Service' (SFRS). In so doing, it altered both the relationship between local government and the police and fire services and changed the arrangements through which both services would be scrutinised and held to account locally.

A new body, the Scottish Police Authority, was created "to maintain the Police Service", to promote the policing principles established by ministers, to promote and support continuous improvement of Police Scotland and to hold the Chief Constable to account.

The new role of local authorities in police governance is set out in sections 44-47 of the 2012 Act. The Chief Constable must ensure the maintenance of 'adequate

arrangements' for local policing and, after consulting with the relevant councils, appoint a police officer as Local Area Commander (LACs) for each local authority area (though the same officer may exercise that authority in respect of more than one council area). Importantly, the local commander "must involve the local authority in the setting of priorities and objectives for the policing of its area".

Furthermore, the local commander *must* attain approval from the council of the local policing plan, while councils require to be engaged as statutory consultees when Scottish Ministers establish their policing priorities.

Very similar arrangements were established for the Fire and Rescue Service with the creation of a board to hold the Chief Fire Officer to account for implementation of SFRS' strategic plan. Local authorities have a statutory role as a consultee when the SFRS develops its strategic plan (which must be laid before parliament) and when Ministers draft their Fire Framework (upon which the strategic plan is based). The service is obliged to provide relevant information or reports requested by the local authority while councils have the opportunity to monitor progress against the plan.

Both police and fire are overseen by

a single inspectorate (Her Majesty's Inspectorate of Constabulary Scotland (HMICS) and Her Majesty's Fire Service Inspectorate in Scotland (HMFSI)) to provide assurance as to the "state, efficiency and effectiveness" of the service concerned. In the case of fire, the role includes ensuring the delivery of Best Value, whereas the SPA is vested with that responsibility in respect of the police.

Clearly, councils have an instrumental role in relation to 'local scrutiny' of police and fire. The following briefing by the Scottish Institute for Policing Research provides a snapshot of the police scrutiny landscape just prior to the 2017 election: http://www.sipr. ac.uk/downloads/Briefing15.pdf

The authors noted the different types of local scrutiny approaches which had emerged by reference to where they were constituted within council governance arrangements. These included the setting up of local scrutiny committees:

1. as dedicated blue light services (i.e. also including the fire service and sometimes ambulance services as well) committees

2. within existing community safety committees

3. within an audit/performance committee or other

4. as part of the full council.

While the variation in approach reflected the 'considerable latitude' for local arrangements permitted by the 2012 Act, there have been concerns about the relationship between national and local police issues, the process by which local concerns are escalated to national level, and the extent of local scrutiny committees' powers of scrutiny in respect of matters in which local commanders have no locus.

A Local Policing Summit convened in 2015, and the recent establishment of a national Police Scrutiny Convenors Forum, with a similar arrangement mooted for 'fire chairs', reflect that scrutiny arrangements continue to develop.

Scrutiny of partners should not, of course, be limited to police and fire. A scrutiny committee may wish to examine the local tourism strategy, or the implications of local demographic factors for the care of older people. Visit Scotland, in the first instance, and the relevant NHS Board, in the second example, would be prominently involved in and vital to the success of such exercises. The important consideration here is the selection of subject matter, which will have a positive impact and aid the council and partners' efforts to meet shared outcomes. We say more about this under section 4.5.4 *'Working with Partners'*.

Alone among the organisations which provide local services and constitute community planning partnerships, councils are fully democratically controlled. Thus, elected members have a unique standing not possessed by others. Arguably, this gives them a moral right to scrutinise the decisions, arrangements and performance of local providers on behalf of the citizens they represent. Moreover, the unique perspective of councillors and their deep understanding of the needs of the communities they serve bestows an added legitimacy upon the decision-making and performance of partners. Being scrutinised and monitored by elected members, who represent the democratic choices of communities, validates the decisions and improvement efforts of partners.

As councils strive to respond to budget pressures and service demands, one option they've turned to increasingly is the setting up and funding of arm's-length external organisations (ALEOs). First used to create sports trusts in the 1980s, ALEOs are now encountered in property, transport,

waste management and economic development, and, more recently, in older people's care. The motivations for using ALEOs are straightforward: they may qualify for business rates relief, attract grants or be able to trade to generate income, allowing councils to re-direct resources back into service provision. Additionally, ALEOs may offer an opportunity to make services more accessible and may offer better ways of providing services.

Elected members have obvious scrutiny responsibilities before an ALEO is established. They need to be clear what benefits an ALEO will deliver and whether this approach will complement council priorities. How does it compare, for example, with in-house provision, partnership and contracting options? There are questions about accountability to service users and citizens in general. What is the council getting for its investment, and how does the ALEO account for this? Once operational, how is performance of the ALEO monitored? Longer term, does the ALEO continue to be the best option for delivery of this service, and do arrangements continue to be fit for purpose? These questions reflect councils' duties in 'Following the Public Pound'.

In one council, Audit Scotland

highlighted good scrutiny practice as follows:

- The council has an external governance and scrutiny committee that is responsible for scrutinising the performance of the council's ALEOs.

- The committee's scrutiny activity includes performance, risks, financial management, partnership working, contractual compliance and compliance with equalities obligations.

- It also receives reports on themes common across the ALEOs including service interdependencies, complaints handling and customer care, audit reporting, and absence management.

- The committee's ongoing work programme will examine the 'value added' from ALEOs and will review proposals for maintaining service performance and quality in the current financial conditions.

For more information, please see **Audit Scotland: Arm's-length external organisations (ALEOs): are you getting it right?** June 2011.

One additional consequence of the growth in councils' use of arm's-length

organisations is a significant increase in the risks of conflict of interest situations arising as a result of elected members' presence on boards. You need to be clear about what your role is, and not conflate specific and entirely separate responsibilities. If you do -— wearing your 'board hat' in council meetings or your 'council hat' in board meetings — that's a conflict!

As a rule of thumb, if you are on the board of an organisation, then your responsibility is to that organisation - period. You are jointly responsible for the board's corporate governance, decision-making and performance against the requirements that you have agreed as a board member.

If you are not a member of the board, then you have the broader responsibility of an elected member to monitor the outcomes, outputs and conduct of the organisation against the expectations of the council as set out in any service level agreement, and agreed performance framework, and more generally on behalf of the community.

3.4 Informal Scrutiny

Scrutiny is not something that exclusively takes place within the confines of a scrutiny committee. As we've seen, the purpose of scrutiny is ultimately to improve the lives of local people through improved public services. That improvement depends upon good governance, decision-making and performance across the council. In turn, good governance requires councils to be accessible and responsive to the communities they serve, while good decision-making and good performance, are predicated on councils being transparent and accountable for their decisions and the quality of the services they deliver. All of this requires open, robust debate, which considers issues, and the merits and risks of courses of action judiciously and without prejudice. **In short, the goal is to create a culture of scrutiny and performance across the council**.

In building such a culture it should be recognised that the skills and ways of working which characterise scrutiny are not only common to practically all other tasks in which elected members are engaged, but need to be embedded across council functions. For example, that a member sits on a Policy and Resources Committee or an Executive does not absolve that member of the duty to monitor, examine or interrogate the decisions, performance and outputs of that committee. On the contrary, that member will want to hold others

to account, utilising the same skills and techniques as their colleagues who sit in a formal scrutiny committee. Similarly, while a scrutiny committee may commission work to review the effectiveness and/or efficiency of the planning committee or licensing board, elected members engaged in those activities have an ongoing responsibility to monitor, examine and question the individual decisions they are involved in, and their decisions, performance and outcomes in the round.

More than this, all elected members have a duty to contemplate the quality of service provision, effectiveness of policy, or services, and the outcomes delivered by the council across the range of its activity. Of course, you can't do everything yourself, nor should you try to, but an elected member should have an interest in the decisions of key committees and the activities of the council to which those decisions relate irrespective of whether she or he is directly engaged in making those decisions or overseeing those services.

4. What is Effective Scrutiny?

> **Key points for this section**
>
> 1. Too much focus on apportioning blame and preoccupation with negatives are likely to induce defensiveness on the part of others, reducing scrutiny's clout.
>
> 2. Unless the behaviour of party groups facilitate effective scrutiny, other influences have relatively little power to add value.
>
> 3. An administration is more likely to be willing to endure criticisms where scrutiny makes its points candidly and cogently and not just as a means of discrediting the administration.
>
> 4. Scrutiny and audit are different tasks: scrutiny provides the discussion and debate on which improvement depends, and audit provides assurance upon the fitness and operation of the council's systems.
>
> 5. The choice of chair of scrutiny committees is an important signal of a council's attitude to scrutiny. It is not good practice for the chair of a scrutiny committee to be a member of the political administration.
>
> 6. Engagement with the public should be regarded as integral to the process of scrutiny.

4.1 Measures of Effective Scrutiny

In asking 'what is effective scrutiny?' we first need to determine our measures of 'effectiveness'. How does scrutiny demonstrate that its work adds value to the work of the council? Or, more prosaically, how does it justify the resources allocated to it? Fundamentally, there are two ways in which it might do this:

1. **By improved decision-making, policy development, implementation, and service delivery**. If it appears that decisions, policies and service delivery are better as a consequence of scrutiny's intervention, then scrutiny is adding value. To put it another way, if the work of scrutiny appears to be supporting the council's efforts to make a difference to local people, then it is delivering on its core purpose.

2. **By improved debate and dialogue within the council and between the council and others**. If scrutiny's involvement has the effect of introducing the council to new evidence, new arguments, greater public participation and increased collaboration with partners, then this too adds value by facilitating the culture of scrutiny to which was referred in section 3.4 '*Informal Scrutiny*'. Without being facile, it augments the democratic accountability which is the very basis of our system of local government.

While it may be possible to show that a policy was modified by scrutiny's influence, it can be difficult to establish the extent to which that involvement impacted. Trying to prove the counter-factual is by its nature a challenge.

So, at a more basic level, a scrutiny review may be said to be successful if it fulfils one or more of the following conditions:

- it meets the objectives set out by the relevant scrutiny committee

- feedback from the public shows that they think there has been the kind of improvement in a service they hoped for

- the work has helped to achieve

corporate or partnership priorities

- there is a financial dividend or return on investment as a result of scrutiny's work.

4.2 Building Blocks of Effective Scrutiny

In 2003, the Centre for Public Scrutiny (CfPS), an independent charity and a leading source of ideas, policy and practice in promoting transparent, inclusive and accountable public services, developed "four principles of good scrutiny". The principles have since been widely adopted and provide a touchstone for thinking about the components of effective of scrutiny. According to the four principles, 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.

In 2013 and 2014, the Wales Scrutiny Officers Network devised fifteen characteristics that reflect what the

four principles of good public scrutiny look like in practice. They can be found in the Wales Audit Office report '**Good Scrutiny? Good Question!**' but we have set the characteristics out below as a helpful framework for assessing the range of conditions, attributes, skills and practice which make for effective scrutiny.

Outcome 1: Democratic accountability drives improvement in public services.

What does good scrutiny seek to achieve?

'Better outcomes'

What would it look like? How would we recognise it?

Environment

i) Scrutiny has a clearly defined and valued role in the council's improvement and governance arrangements.

ii) Scrutiny has the [dedicated] officer support it needs from officers who are able to undertake independent research effectively, and provides councillors with high-quality analysis, advice and training.

Practice

iii) Scrutiny inquiries are non-political, methodologically sound and incorporate a wide range of evidence and perspectives.

Impact

iv) Scrutiny regularly engages in evidence based challenge of decision makers and service providers.

v) Scrutiny provides viable and well evidenced solutions to recognised problems.

Outcome 2: Democratic decision making is accountable, inclusive and robust.

What does good scrutiny seek to achieve?

'Better decisions'

What would it look like? How would we recognise it?

Environment

i) Scrutiny councillors have the training and development opportunities they need to undertake their role effectively.

ii) The process receives effective support from the council's corporate management team who ensures that information provided to scrutiny is of high quality and is provided in a timely and consistent manner.

Practice

iii) Scrutiny is councillor-led, takes into account the views of the public, partners and regulators, and balances the prioritisation of community concerns against issues of strategic risk and importance.

iv) Scrutiny meetings and activities are well-planned, chaired effectively and make best use of the resources available to it.

Impact

v) Decision makers give public account for themselves at scrutiny committees for their portfolio responsibilities.

Outcome 3: The public is engaged in democratic debate about the current and future delivery of public services.

What does good scrutiny seek to achieve?

'Better engagement'

What would it look like? How would we recognise it?

Environment

i) Scrutiny is recognised by the executive and corporate management team as an important council mechanism for community engagement, and facilitates greater citizen involvement in governance.

Practice

ii) Scrutiny is characterised by effective communication to raise awareness of, and encourage participation in democratic accountability.

iii) Scrutiny operates non-politically and deals effectively with sensitive political issues, tension and conflict.

iv) Scrutiny builds trust and good relationships with a wide variety of internal and external stakeholders.

Impact

v) Scrutiny enables the 'voice' of local people and communities across the area to be heard as part of decision and policy-making processes.

A series of requirements for effective scrutiny can be extrapolated from these principles and characteristics and we reflect on these below.

4.3 Clarity of Roles

As scrutiny's principal power is its capacity to influence the activities of the council and other organisations,

it follows that a scrutiny committee is much more likely to maximise its influence if it exerts that influence constructively. It needs to be seen as a 'critical friend'. **Too much focus on apportioning blame and preoccupation with negatives are likely to induce defensiveness on the part of others, reducing scrutiny's clout.**

To a large extent, scrutiny's success rests on the attitude of the council's political leadership. Whether the council operates through committees or an executive, decision-makers must be signed up to a scrutiny function which carries out its role with rigour and integrity. If improvement is to be delivered, both decision-makers and scrutineers need to recognise that this is a reciprocal relationship. Elected members generally need to be positively committed to seeing scrutiny work.

Similar principles apply to the functioning of scrutiny committees. Scrutiny committees are unlikely to hold the council leadership to account effectively if senior members are rarely invited to attend scrutiny committee meetings to answer questions or provide evidence, or are treated in a dogmatic or domineering way when they do attend. Councils should ensure there is clarity about the role of senior members attending scrutiny committee meetings so that accountability is clear and that constructive challenge is facilitated. Scrutiny committees should also ensure that they are clear as to the reasons why they wish senior members to attend meetings before inviting them to do so.

4.4 The Impact of Politics

While accepting that politics is an intrinsic feature of how councils operate, we need to recognise the potential of politics to unpick the bipartisanship upon which successful scrutiny depends.

Tellingly, in a 2004 paper on 'scrutiny and the political party group in UK local government', Leach and Copus concluded that:

> *"...lack of political willingness to make the scrutiny system work cannot be compensated for by exemplary practice in relation to analytical capacity and appropriate management ... Unless the behaviour of party groups facilitate "effective scrutiny", other influences have relatively little power to add value."*
> [Source: Leach, S & Copus, C (2004) *Scrutiny and the political party group in UK local government: new models of behaviour*]

It would be absurd to expect council committees to be politically anodyne. Political values and allegiance are integral to local democracy. They may well be the reasons which led you to seek election. However, there is again an issue here of reciprocation.

Recalling that scrutiny cannot compel a change of decision or policy modification, work which appears partisan is likely to be rebuffed by the relevant decision-making body. Scrutiny needs credibility to persuade, and manifest bias will not encourage acceptance of its recommendations.

Scrutiny work will involve looking at issues that are high profile and locally politically contentious. To add value to such matters is part of its rationale for being. Thus, some political disagreement is inevitable. The key to dealing with such subject matter is less the excision of politics than the absence of overt party politics, and the assurance of a 'methodologically sound' approach to examination of the issues and final recommendations, 'which incorporates a wide range of evidence and perspectives'.

In practice, there is a trade-off. An administration is more likely to be willing to endure criticisms where scrutiny makes its points candidly and cogently, but does not succumb, especially where scrutiny is populated by a majority of opposition members, to the temptation to exploit its opportunities as a means of discrediting the administration.

The challenge for elected members is to use political skills and their understanding of the needs of local people to shape the discussions, while eschewing blatant 'party politicking'. Indeed, all elected members need to be committed to ensuring that, while dealing with topics of acute political sensitivity, scrutiny does not descend simply into a party political or similarly partisan contest in which the objectives of good governance and improved decision-making, service provision and cost-effectiveness are negated.

4.5 The Relationship Between Scrutiny and Audit and Other Committees

If scrutiny's focus can be blighted by partisanship, then it can also be affected by a lack of distinction between the role of scrutiny and other council committees, notably audit.

Audit Scotland neatly characterises the distinction between scrutiny and audit thus:

"In broad terms, scrutiny questions whether councils are doing the right thing and questions policy proposals and the performance and quality of services. Audit examines the regularity of governance and financial management including how the council has applied its resources to achieve its objectives."

And it describes the risk of conflation of these roles in similarly pithy terms:

"Councils must have good systems for decision-making, audit and scrutiny if they are to operate effectively. Scrutiny and audit are both important, but their distinction is not always clear. Blurring these roles can weaken governance."
[Source: Audit Scotland: *Are you still getting it right?* Nov 2016 paras 28 and 29]

Scrutiny and audit are essential tasks but they are importantly different tasks: scrutiny providing the discussion and debate on which improvement depends, and audit providing assurance upon the fitness and operation of the council's systems. Simplistic perhaps, but audit is concerned with the smooth-running of the council machine; scrutiny is mandated to question elements of the machine's design.

Scrutiny and audit are also enormous tasks. This is not to suggest that audit and scrutiny cannot be combined into one committee but care should be taken to ensure a committee remains focused on the task in hand. If benefit is to be extracted from scrutiny then committees need to be afforded time and space to carry out the detailed consideration which other committees may not have time for. Scrutiny can take specific issues and add value; building on decisions by identifying additional steps to improvement, or recognising when the direction of travel is not right. Indeed, this is the essence of scrutiny, and it is particularly pertinent when reflecting on the optimisation of outcomes. Other committees are unlikely to have the same opportunity to engage in stepping back, and pursuing the forensic assessment, which is, after all, the specific remit of scrutiny.

4.6 The Organisation of the Scrutiny Function

We noted earlier that quality skills and exemplary practice could not save scrutiny from misfire if the political will was lacking among elected members. By the same token, political commitment alone is unlikely to deliver effective scrutiny if the organisation of the scrutiny function is itself deficient.

Scrutiny committees must have clear terms of reference that set out their independent role in scrutinising the council's decisions, performance and practice. The clearest distinction should be made between those forums in the council which are accountable for decision-making,

and those which are responsible for scrutiny.

The choice of chair of scrutiny committees is an important signal of a council's attitude to scrutiny. The appointment of a chair from the administration or majority party might imply a desire to manage the scrutiny process in a way which is acceptable to the administration. For this reason, the Accounts Commission recommends that the chair of a scrutiny committee (and audit committee) is not a member of the political administration in the interests of transparency. To install further balance, a chair appointed from the opposition may be supported by a vice chair drawn from the administration.

The basic composition of scrutiny committees is also important. Scrutiny must be seen as an all-party activity, in which members of all allegiances and none might be expected to play an equal part. Allocating places on a scrutiny committee proportionate to the relative strength of different groupings on the council, or, if unachievable, giving marginally greater than proportionate weight to opposition parties, is likely to be the simplest way of establishing a committee, which is both balanced and invested in the task of holding the

political and officer leaderships of the council to account.

The council leadership, committee chairs or members of an executive are not prohibited from being members of scrutiny committees. Generally speaking however, it is good practice that they do not sit on formal scrutiny committees, especially where there is a risk of conflict between possible lines of scrutiny inquiry and their committee or portfolio responsibility.

4.7 Officer Support

Officers have a responsibility to provide advice and support to all members of the authority without qualification. Officer attitudes and behaviours towards scrutiny, their responsiveness to questions from and support of scrutiny members has a powerful influence over how effective scrutiny can be. Thus, officer support for scrutiny is likely to be strengthened and scrutiny rendered more effective where officers have a good understanding of scrutiny's improvement purpose. Just as elected members must appreciate the expertise and professional insights of officers, so officers need to recognise the political values and understanding of local people and local context that elected members bring. It is precisely

the co-agency of these different perspectives that enables scrutiny, and councils more generally, to make the kind of robust judgements about priorities which are currently so pressing.

It should be added that budgetary pressures have resulted in the loss of dedicated scrutiny support officers in some councils. This is not necessarily a defect, but it remains as important as ever that elected members and officers are mindful of the value of scrutiny in seeking answers to current challenges.

4.8 Training and Development

Ensuring that individuals involved in the scrutiny process have the right skills and competencies is a key element of preparing for effective scrutiny. An already difficult operating environment for councils is only likely to become even more challenging and the decisions elected members are called upon to take more onerous. Pressures exist to consider service reductions or different ways of delivering services, and increasingly members find themselves on the boards of ALEOs or contemplating the provision of virtual services. Elected members involved in scrutiny need to be able to negotiate this

complex environment. They need to be confident they have the skills: able to appraise the merits and disadvantages of different options, capable of assessing performance, and equal to the task of identifying remedies or innovations.

The Accounts Commission has noted that 'training on scrutiny tends to be provided at the start of a political term, as part of the induction scheme for newly elected members, or targeted towards members who sit on scrutiny committees.' Accepting that it can be difficult to accommodate training in elected members' busy schedules, there is nonetheless something to be said for a broader approach to scrutiny training, when the abilities to examine, challenge and assess information are so much a feature of every committee and activity in which elected members are likely to be engaged. At the very least, councils and elected members themselves need to be attentive to the value that scrutiny is adding. Poor planning, topic selection and ineffectual questioning may be signals of a training need.

Robust self-evaluation of scrutiny functions will help address these shortcomings and ensure that scrutiny is focused and capable of delivering on its core responsibility of driving improvement. Self-evaluation may

include the production of a scrutiny annual report; an 'away day' for committee members and support staff; and committees undertaking periodic evaluation of their own performance.

The chair of a scrutiny committee has a key role in facilitating and leading the committee's work. Ineffective chairing characterised by poor direction-setting and ineffectual questioning, where focus and a firm but constructive tone is not maintained nor discussions and conclusions summarised and followed up can negatively impact a committee's efforts. Therefore, it is particularly important that councils ensure that chairs receive appropriate training and support to develop the range of skills required to undertake the role effectively.

Chairing will be covered in more detail in section 5.6.3.

4.9 Planning and Focus

Having touched upon the important role played by the chair of a scrutiny committee in leading and energising the committee, it will be obvious that rigour in how scrutiny goes about its work is essential to it having a meaningful and positive impact. This necessitates planning ahead, and

being focused on the task in hand. Specifically, it requires:

- effective work programming based upon sound criteria, while ensuring flexibility exists to respond to developing situations where scrutiny's intervention is mandated, or would add value

- work should be undertaken efficiently, and targeted in a way which maximises the use of resources

- appropriate topics should be selected and the right method of scrutiny in pursuing them

- members should be prepared and disciplined in meetings, with a clear focus on the purpose of their inquiry

- committees should allow sufficient time for deliberations and conclusions, should arrive at clear conclusions and recommendations, and should follow up on their work to verify that agreed improvement actions were implemented and with what success. Is additional work required?

We shall revisit these themes under section 5.2 '*Programming and Subject Matter*' later in this notebook.

4.10 Working with Others

4.10.1 Partners

Earlier, we highlighted that councils have a statutory duty to work with public sector partner organisations to deliver services. However, co-operation with partners, and accordingly the need to scrutinise such co-operation is not limited to obligations imposed by the Community Empowerment (Scotland) Act 2015.

Working with partners may involve the private sector as well as the public and voluntary sectors. It is likely to include contractors; organisations with which the council has jointly commissioned services; organisations which the council funds to deliver certain services through grant funding or service level agreements; as well as community planning partners.

Many council services will involve partner organisations in some way, so it follows that those partner organisations will be the subjects of council scrutiny.

Whatever the nature of the partnership, the key to effective partnership working is the delivery of the collaborative gain, which would not have been achieved by the individual partners working

on their own. In order to measure how successful the partnership has been at delivering the collaborative gain, the partnership should have a performance management and reporting framework in place. Some partnerships may struggle to evaluate the extent to which they have succeeded given that some outcomes will only truly be measurable in the long term, for example, if a partnership is focused on achieving a reduction in the health inequalities that exist both within communities and between different communities. Even where a partnership has more easily measurable outcomes, it may be difficult for it to identify how far any changes are attributable to the work of the partnership itself, especially in the context of outcomes where multiple factors are in play. Despite these potential difficulties, partnerships should measure progress towards expected outcomes and individual partners should actively scrutinise the performance of the partnership as part of their existing scrutiny arrangements, involving elected members.

Some of the areas you should expect to see in place within a performance framework in a partnership are set out below:

- The partnership should establish

clear criteria against which its performance will be monitored, which will focus on the effectiveness of its collaborative activities.

- Key performance indicators should be identified which will help the partnership measure the impact of its work and ultimately progress towards expected outcomes.

- A baseline of information of current performance should be provided for key performance indicators, to enable progress to be tracked over time. This is a crucial step, as progress towards outcomes will be measured from this point. This information will be particularly important for you, as your evaluation of how effective the partnership has been will need to take account of the partnership's starting position.

- Jointly agreed targets should be set for these indicators, which are challenging but achievable, along with timescales for achieving these targets. An unspecified target in terms of timescale means that it is difficult to make real sense of progress and it is also difficult to adopt interventions to get performance back on target if it has slipped. A time bound target means all partners know

what should be delivered and by when. You should however, ensure that any target is relevant to the outcome you are seeking to achieve, is realistic but stretches the performance of the partnership and will not result in people unnecessarily chasing a target at the expense of the outcomes you are ultimately trying to achieve.

The Scottish Government and Audit Scotland, as well as a range of scrutiny bodies such as Her Majesty's Inspectorate of Education (HMIE), Care Inspectorate, Scottish Housing Regulator (SHR), have responsibilities in assessing and improving the performance of each council and individual services within each council. We will say more about inspection bodies in the context of evidence. However, these bodies should be seen as partners playing an active role in ensuring that councils are performing well and working towards improvement. In planning scrutiny work programmes, there is the potential to consider the timetabling of the work and the report findings of external review bodies in scheduling scrutiny's own efforts to add value.

4.10.2 The public

Scrutiny plays a fundamental role in local democratic accountability and that accountability is strengthened by

broad engagement with stakeholders. Engagement with the public should be regarded as integral to the process of scrutiny. This means engagement 'throughout' the process of scrutiny.

There is value in bringing the public in before reviews, during them, and after they have completed. Engaging the public before, enables subjects for scrutiny to be selected taking into account the views of local communities, permitting a work programme to be developed which responds meaningfully to the chief concerns of residents. Drawing upon the evidence of the public improves the evidence base for scrutiny recommendations, enabling the public to share their experiences and be heard by decision-makers. Involving the public in review and debate of findings and recommendations provides insight into public expectations, allowing the council to contemplate its conclusions carefully. Of course, a public expectation which is not objectively supported by evidence needs to be approached with caution, but feedback even on unpopular choices will provide an insight into the political and community dynamics of proposed actions.

Through ward connections and their role as community leaders, elected

members are well placed to facilitate the engagement of the public and local partners in scrutiny, but it should be recalled that such engagement is no longer merely desirable. The effect of the Community Empowerment Act makes it a duty of partners to secure active participation by communities and community organisations in Local Outcome Improvement Plans (LOIPs). While partners can determine the precise nature of these interactions, the premise of the Act is that they will strive to maximise engagement and its impact upon decision-making. In turn, logic suggests that efforts to optimise public engagement and participation within community planning should be replicated within the council's own processes. Scrutiny provides an obvious vehicle for developing methods of engagement.

4.10.3 Co-optees and experts

Councils can seek to strengthen scrutiny by bringing external voices into the process. This is most usually done by co-opting external parties on to a committee, or by appointing an independent expert or technical adviser to support the process of scrutiny.

a) Co-option on to a committee

This may involve bringing someone on to a committee with a particular or professional experience. In

co-opting such an individual, the committee needs to be clear about what it hopes to achieve by making the appointment, though the basic aim is to augment the committees understanding, or skill set. The co-option of a business person or accountant on to an audit committee is an example of this.

There may be a value in co-opting individuals with subject specific experience or expertise on to scrutiny sub-committees, where the terms of reference for reviews are likely to be narrower and more focused, and the work time-limited. Such a co-optee can bring important insights based on their subject knowledge. They can help the committee plan the scope of the review, identify what kinds of evidence is required, how to garner that evidence, and ask the right kinds of questions of witnesses, as well as having an influence in deliberations.

Typically, co-optees will not have voting rights. As with most things about scrutiny, however, the precise arrangements are overwhelmingly a matter for individual councils.

b) Appointment of an expert

A different approach to securing expert support within a scrutiny committee is to appoint an independent expert or technical adviser. As with co-optees, councils need to be very clear about how an adviser can help, though in general terms their role will be to assist elected members to get to grips with complex issues, and to generate a better understanding of the topic within the committee.

Examples of this kind of approach would be the appointment of an expert in waste collection services to advise on the logistical aspects of collection, or an academic to advise on their subject specialism.

Appointment as a technical adviser as opposed to co-option may have the advantage of securing the individual's expert knowledge while leaving judgement on the issues to a committee of non-experts, hopefully free of any professional biases. However, this is also a matter of judgement; the important consideration is exploiting the right approach to add value to the exercise of scrutiny.

5. The Process of Scrutiny

Key points for this section

1. Evidence can challenge existing assumptions about ways of working, point the way to new solutions and innovative ways of doing things.

2. It is important that officers are not reproached for evidence honestly given.

3. You have an important role in shaping the content and format of information presented to committee, and should challenge officers where materials are presented in a way which does not permit you to perform your role effectively.

4. Overly aggressive and confrontational questioning is generally counterproductive.

5.1 Meetings

Scrutiny committee meetings, like other formal meetings of the council, must take place in public. There are exceptions to this general rule, however, where the public consideration of matters would breach an 'obligation of confidence' or the information is 'exempt'. In such instances, matters (such as commercially sensitive material) may be dealt with in private business.

[Note - This is the effect of Part IIIA of the Local Government (Scotland) Act 1973 - inserted by the Local Government Access to Information Act 1985 (as sections 50A-50K and Schedule 7A)]

Even then, however, good practice holds that efforts should be made to present information publicly where this can be achieved without compromising the pertinence of that information or infringing confidentiality. Audit Scotland has highlighted the variation in the approach of councils to this issue, and urges that councils should seek to minimise the amount of business that takes place in private in the interests of transparency and accountability. Moreover, if that proposition is generally true, then it has especial resonance in respect of scrutiny, which has a critical role in holding up a mirror to the decisions and actions of the councils, assessing them objectively and being seen to do so.

Legislation establishes some minimum requirements in respect of the

conduct of council meetings, which also apply to scrutiny committee meetings. These include making the agenda and any public reports available to the public at least three days before the meeting, and ensuring that the agenda and reports are available for public inspection for six years from the date of the meeting.

Meetings normally compromise a number of activities, including:

- consideration of reports, reflecting the programme of work agreed by the committee, and potentially reactive business which the committee is being called upon to examine in addition to that work programme

- discussion of written materials, presented by the council or other parties, which relate to the subject matter being considered by the committee

- hearing evidence from and questioning of witnesses, whether elected members, council officers, representatives from external organisations, experts or members of the public

- drawing conclusions from the deliberations of the committee in the light of the evidence, and

translating those conclusions into recommendations for action.

Frequently, scrutiny committees set up sub-committees to increase the focus on specific subject matter. Sub-committees are usually time-limited bodies comprised of a smaller group of elected members, and sometimes, supported by the specific skill sets and experience brought by co-optees or technical advisers. The elected member participants within the sub-committee need not necessarily be members drawn from full scrutiny committee members. They may be drawn from across the council membership, even from the political leadership where the task involved does not present any conflict of accountability with a portfolio or executive responsibility. Examples of sub-committee activity might include: in procurement, reviewing the percentage of local suppliers selling goods and services, and what can be done to increase the figure, or a review of the council's charging policy for use of its facilities and/or services.

In establishing sub-committees, full scrutiny committees should establish clear terms of reference, setting out the purpose and objectives of the group, membership and expectations around the timeframe for reporting on the sub-committee's work.

Pre-meetings, where members meet in advance of formal committee meetings can help with the planning and preparation of scrutiny activity. No formal business can or should be progressed at a pre-meeting, but it can afford the committee the time and space to discuss lines of enquiry, what kinds of evidence they should be seeking, what questions they should ask, and who should ask them. Importantly, it also gives the committee, led by the chair, the opportunity to consider how much time might be allocated to hear from particular participants, or how long deliberations might take. This guards against the formal committee running out of time to hear significant evidence or to reach carefully considered conclusions and recommendations. Poor planning risks undermining good scrutiny. Furthermore, engaging all members of the committee in thinking about the topic, the evidence needed to animate it, and the kinds of questions which should be asked provides an effective means of ensuring that all members are fully engaged and ready to contribute to the work of the formal committee.

5.2 Subject Matter and Work Programming

For scrutiny to be effective, careful planning is essential. Such planning comprises two essential elements. These are the selection of the topics the scrutiny committee will consider, and the planning of when, how and over what timescales those subjects will be reviewed in the form of a work programme.

5.2.1 Subject matter

The first job of the committee is to identify those topics, which it wants to consider for scrutiny. In keeping with scrutiny's mission to strengthen democratic accountability, there is merit in inviting as wide and diverse an engagement as possible on potential subject matter. Some committees do this by inviting proposals from the public such as through devolved area committee meetings, or through the council website and the media. Elected members across the council and representatives of partner organisations will have views on the issues upon which scrutiny should focus. The scrutiny committee should take care to garner and consider these views. Council officers too have a key role in advising the committee and supporting its deliberations, though the committee should seek to avoid an approach which is excessively dependent upon officer input.

Throughout the process, members

of the scrutiny committee need to keep in mind their core purpose of improving outcomes for local people. Some discipline is required in sifting and selecting topics. They should be aimed at adding value to the council and the people it serves. Topics selected by the committee should have a clear rationale with final choices on assessment likely to be shaped by the degree of impact of a proposed scrutiny, the level of public interest or concern, and an overview of the most significant or pressing issues the council will need to face over coming months or years. None of this should preclude elected members scrutinising areas which they consider important but which otherwise receive little attention elsewhere.

The Local Government Association (LGA), has produced a helpful set of generic criteria you may find helpful in selecting and prioritising topics for scrutiny to review.

Topics **are** suitable for scrutiny when:

✓ scrutiny could have an impact and add value

✓ the topic is of high local importance and reflects the concerns of local people

✓ the resources are available that would be required to conduct the review, in terms of people and budget

✓ it avoids work duplication elsewhere

✓ the issue is one that the committee can realistically influence

✓ the issue is related to an area where the council, or one of its partners, is not performing well

✓ the issue is relevant to all or large parts of the local area

✓ the review would be in the council's interests.

Topics **are not** suitable for scrutiny when:

✖ the issue is already being addressed elsewhere and change is imminent

✖ the topic would be better addressed elsewhere (and will be referred there)

✖ scrutiny involvement would have limited or no impact upon outcomes

✖ the topic may be sub-judice or prejudicial to the council's interest

✖ the topic is too broad to make a review realistic

✖ new legislation or guidance relating to the topic is expected within the next year

✖ the topic area is currently subject to inspection or has recently undergone substantial change.

Even at this early stage, it helps if the committee has half an eye on the final objectives of the individual reviews it is contemplating. This means the committee asking itself some basic questions about subject matter:

• What issue is scrutiny seeking to bear down, or question is it trying to answer?

• What are the reasons for/expected benefits of involving scrutiny in the matter?

• What sorts of evidence should be sought?

• Is there a specific deadline for the piece of work?

Plainly, these matters will be refined and resolved once the review is initiated, but contemplating them in early course and factoring them into topic selection and into a final iteration of the proposed work programme will have a critical bearing on the effectiveness of that programme and the individual reviews within it. Moreover, clearly identifying anticipated outcomes at the topic selection stage should also encourage scrutiny committees to have a clearer focus on outcomes.

5.2.2 Work programming

There is an element of 'chicken and egg' about deciding which scrutiny

topics to review and including selected subjects within a meaningful work programme for the scrutiny committee.

However, having identified potential topics, the committee needs to prioritise the subjects it intends to tackle and plan its forward programme. As with initial topic selection, the contents of a work programme should be based on sound criteria. Again, the extent to which scrutiny is likely to have an impact is important. The committee should be mindful of the time and resources available to it and to officers, taking into account the available evidence and the method of scrutiny and the need to evaluate previous council performance and revisit earlier reviews to assess progress. Events and decisions in the council's calendar that could require an input from scrutiny should guide the shape of the programme.

Indeed, it is particularly desirable that scrutiny's work programme aligns with both the programme of the council as it seeks to implement political, business transformation and business plans, and with the schedule of external inspections to which councils are subject by Audit Scotland and others. While acknowledging the caveats about work duplication noted above, careful planning may allow

scrutiny to contribute powerfully to a council's performance pre-inspection, or help to address areas where the need for improvement has been identified as a result of an inspection.

A committee needs to ensure its programme is not so onerous that it undermines the effectiveness with which it carries out its task. It is far better to undertake a limited number of major reviews successively over time than undertake an unmanageable portfolio of items simultaneously. Larger reviews can always be supplemented by a range of shorter more limited inquiries.

On top of this, some flexibility needs to be incorporated within the programme; to facilitate what might be called 'responsive scrutiny' in contrast to the 'planned scrutiny' we have been considering. Flexibility allows for unexpected events to be accommodated. This might be in response to events in a broad sense, (for example, review of resilience procedures in response to unforeseen flooding), or it might be in response to a specific internal demand from within the council that an issue is the subject of scrutiny. Internal demand is likely to take the form of a call-in.

5.3 The Power of Call-in

Normally built into the council's

Scheme of Administration, the Power of Call-in is concerned with decisions which have been made but not implemented. In other words, it is a form of post-decision pre-implementation scrutiny, which permits a decision of a committee or executive to be remitted to a scrutiny committee for review, providing the call-in request is endorsed by a specified number of members.

That a number of members are required reflects an implicit expectation that issues called-in will relate to matters of significance for the wider council and, given that it applies to decisions made but not yet implemented, the facility of call-in is necessarily strictly time-limited. Procedures establish the time-limit during which a committee or executive decision may be the subject of call in, the format and terms required of any request and the process for reviewing the decision called-in. This is likely to include a requirement that a scrutiny committee consider the matter expeditiously within a specified timescale, and that its decision is presented to the relevant committee, executive, or full council.

Where the call-in process in a council remits the matter to full council, clearly, the matter will be concluded there. In circumstances, where scrutiny's review of the matter returns to a committee or an executive, and the matter cannot be resolved, then invariably the matter is escalated to full council for final decision.

Certain types of decision are not subject to call-in. Typically, these are decisions where delay would prejudice the interests of the council through financial detriment, the decision constitutes a formal response in compliance with a strict deadline, or delay would lead to a breach of the law or legal harm to the council. Clearly, the purpose of call-in is to promote further debate on a matter of political contention. It serves to highlight opposition, and provides a further forum for debate. Its potency as a tool for challenging executive or committee decisions is enhanced where it is used comparatively sparingly.

Some councils may also have a 'right of referral', in effect, a mechanism to permit members to introduce subject matter on to scrutiny's agenda, which is not already part of the committee's agreed work programme. In such cases, rules are likely to permit a member of a relevant scrutiny committee (or, perhaps any member) to submit an intimation requesting that a matter be considered by the committee. Such subject matter must lie within the terms of reference of the committee. Subject to the chair to

ruling the matter as competent and relevant, and that the matter needs to be considered immediately, then the committee may refer the matter to officers for investigation, may direct that it is considered as part of a future review, or decide not to consider it.

5.4 Approaches to Scrutiny Review

5.4.1 General

Each council will have its own approach in undertaking a scrutiny review. However, every review, to varying degree, is likely to comprise the following elements:

Scoping the review

The terms of the review need to be clearly established. To achieve this, scrutiny must:

- determine the key issues and its objectives

- identify key stakeholders

- identify who needs to be involved

- decide what evidence needs to be gathered and how that will be done

- determine how the work will be managed

- consider potential risks and ways of managing them.

Evidence gathering

Having decided what evidence is needed and how it intends to gather it, the committee needs physically to obtain that evidence. A range of approaches exists, including:

- undertaking consultation through public meetings, surveys, workshops and focus groups

- carrying out site visits

- sourcing data and reports

- interviewing experts and witnesses

- conducting focus groups and workshops

- working with officers and elected members to research issues.

Evaluating evidence

Once accumulated, the committee needs to:

- assess all the evidence in terms of what it tells the committee and what it does not tell them about the issues and objectives which they identified in scoping the terms of the review.

Report and recommendations

Having assessed the evidence, the committee should:

- formulate its conclusions, documenting the work that was undertaken and the basis on which those conclusions have been reached

- make recommendations

- distribute the reports and recommendations to the relevant stakeholders for their comments and to the relevant committee or executive for approval.

Implementation

The committee's conclusions and recommendations are not the end of matters; a prime objective is driving the improvement of outcomes. To implement the steps it has identified to deliver improvement, the committee should:

- agree and develop an implementation plan

- action the agreed recommendations

- feedback outcomes to stakeholders, including the local community.

Monitoring

Lastly, the benefits of scrutiny recommendations and proposed implementation are likely to be fleeting or nullified if the committee fails to:

- track progress of the changes being implemented

- evaluate and assess impact

- conduct further investigation and make additional recommendations if necessary.

[Source: adapted from LGA Scrutiny for Councillors, February 2016]

5.4.2 Scrutiny methods and tools

To inject formal rigour into programme and project planning within councils, project management methodologies are frequently used, and these can be utilised within the work of scrutiny.

Options appraisal involves a staged assessment of the relative merits of a number of different delivery model options. This is done by exploring and evaluating each option against a set of agreed criteria, leading to the selection of the preferred option. Audit Scotland's March 2014 publication '*How councils work: Options Appraisal: Are you getting it right?*'

highlights the crucial role of elected members in options appraisals. They have a key responsibility in terms of generic scrutiny, in asking officers challenging questions to assure themselves that appraisals are robust and that all the relevant issues are being considered. And they have an equally vital role in scrutiny in the narrower sense of a scrutiny committee reviewing whether the option selected was the correct one, or in scrutinising the implementation of the decision and the impact it has on service delivery.

The concept of 'return on investment' (ROI) is borrowed from the commercial world, where it is used to determine which projects have the highest rate of return financially, or will pay back the initial investment the quickest. As with options appraisal, ROI has both a broad application within councils and a very specific application in respect of how a scrutiny committee goes about its business. So, in the first sense, in scrutinising policy choices or making judgements about service provision, the council as a whole will want to ask questions like 'will these investments in self-directed support, or digital customer services reduce our costs and over what period will that reduction occur? Or, will this approach deliver better outcomes for lower cumulative investment than

does our existing way of working?' Indeed, a scrutiny committee will want to use this kind of thinking in considering improved outcomes in its own review of the decision-making and policy choices of the council and its committees. In a second sense, ROI is concerned with scrutiny committees adopting an approach to their work programmes and activities, which is specifically designed to extract the maximum benefit from the limited resources available to scrutiny.

The Centre for Public Scrutiny (CfPS) has strongly promoted the use of Return on Investment (ROI) methodologies among English and Welsh local authorities. CfPS's publication '*Tipping the Scales*' (2011) provides practical advice and guidance on ROI approaches based on efforts to bear down on negative health outcomes as a consequence of homelessness, obesity and falls and fall prevention. It is argued that, to maximise the 'return on investment', scrutiny should estimate and evaluate the measurable impact of its recommendations at the very outset of the exercise and continue to revisit the matter at every stage of the process.

Other important tools build upon the notion of benefit/cost ratios. These include Net Present Value and Whole-

Life or Life Cycle Costs. Both are typically used in capital budgeting to assess the viability of projects, and are likely to be used in options appraisals and ROI approaches. In business, Net Present Value (NPV) is the difference between the present value of cash inflows and the present value of cash outflows. Where projected income or returns are expected to exceed the costs of the project, then the net present value is positive. Generally, an investment with a positive NPV will be a profitable one and one with a negative NPV will result in a net loss. In the context of public sector finance, however, the focus is frequently less on a commercial return in hard cash than it is on 'the best possible outcome for the public' served by the council concerned. Therefore, the investment is more likely to be one which considers which option or approach represents Best Value, including considerations less easily translated into cash such as the social value of expenditure.

Whole-Life or Life Cycle Costs are the total costs relating to an asset, comprising the cost of acquisition, and all other costs associated with it over its estimated lifetime. These extra expenses, which usually cover costs involved with maintaining the asset, can be substantial. When added together over time, they may even exceed the original purchase price of the asset. As with NPV, the significance of such information is often in enabling comparison to be made between the different ways a service or asset might be provided.

Both NPV and Whole-Life Cycle Costs rely on estimates about future costs and income. Consequently, there is considerable scope for even small errors to become magnified over the course of time. A key role of scrutiny is to inject rigour and realism into projects by interrogating officer and expert calculations and the assumptions which underpin them. By doing so, it can mitigate against the unforeseen costs associated with the building of a new primary school, or the scanty returns from a much-heralded tourism project.

5.5 Evidence

5.5.1 The importance of evidence

Decisions of committees, including those of a scrutiny committee, are rarely based exclusively on formal evidence. Invariably, decisions are a meld of the local context, the experiences and perspectives, political values and judgements of those making the decisions, as well as of the evidence considered. Having said this, in the absence of good

quality evidence, scrutiny would be a meaningless exercise — something that councils simply cannot afford. Against a backdrop of increasing demand, the need to target shrinking resources more effectively is obvious. This demands a clear and compelling rationale for council decisions based upon evidence of breadth and high quality.

This is the logic of scrutiny: to test the judgements of others against the reality of the evidence, and to set an example of excellence in the use of evidence in arriving at its own judgements. Evidence can challenge existing assumptions about ways of working, point the way to new solutions and innovative ways of doing things. It can engage the public and stakeholders, building credibility, transparency and accountability in how the council makes its decisions. In its use of evidence, furthermore, a scrutiny committee can generate the kind of cultural environment across the council which genuinely values evidence as a precondition of good decisions.

5.5.2 Sources and types of evidence

The volume and quality of evidence is infinitely variable. What kind of evidence you need in scrutiny and where you go to find it will depend on the subject matter.

The kind of information generated by councils and readily available to them is as follows. It is by no means exhaustive.

Strategic information

• the council corporate plan

• Local Outcomes Improvement Plan (LOIP)

• the council administration's policy plan

• council budget plans

• corporate policies

• business transformation plans

• service-specific strategic plans

• local government benchmarking information

Tactical and operational information - performance, finance and risk

• budget monitoring reports

• service, departmental and team plans and strategies

• business cases and options appraisals

• performance information

- detailed demographic and socio-economic data

- locality plans

- risk registers

- agendas, reports and minutes of formal and informal council meetings

- internal audit reports, reviews and action plans

- complaints information

This information is crucial in scene-setting, but you will to want to contextualise it with other evidence. This may well be evidence sourced by the council, but invariably it contains an external perspective, which allows members to interpret council information. Such evidence includes:

Local Government Benchmarking Framework

All Scottish councils have worked diligently with the support of the Improvement Service to develop and implement a national '**Local Government Benchmarking Framework**' (LGBF). Now well-established, benchmarking is a key improvement process, with the LGBF covering seven service areas which together account for the majority of local government spending. These service areas are: children, corporate, adult social care, culture and leisure, environmental, housing and

economic development. By providing simple metrics on, for example, how much a service costs per user, or satisfaction levels with services, councils can compare performance with their peers year on year. This enables them to understand where and why performance variation occurs, to share good practice and to drive improvement where under-performance is not a consequence of immutable factors, such as geography and topography.

One of the great values of the framework is its recognition of the enormous diversity between different local authority areas in terms of geography, population, deprivation levels and community needs. Thus, value can be extracted from looking at councils with broadly comparable contextual features, drawn together in 'family groups'. Additionally, explanatory narratives provide some local context and explanations of local data and trends within the wider context of Scottish averages or family group comparisons.

Reports from external inspection agencies

Many of the services delivered by local authorities are subject to a level of external scrutiny, where the performance of services or particular aspects of a service are judged systematically and cyclically. Many of the bodies involved in this work are guided by a national framework so

that performance is assessed on a consistent basis across the country.

We have already referred to the vital roles undertaken by the Accounts Commission and Audit Scotland, and the information they provide is a valuable source of evidence as well as a guide to best practice in scrutiny.

Other key national inspection agencies include:

Education Scotland, responsible for inspecting the quality of education in pre-school provision, primary school, secondary schools, special schools, community learning and development, further education colleges, initial teacher education, residential education and the education functions of local authorities and services for children.

The **Care Inspectorate**, with a remit to regulate and inspect a range of social work services to children, adults and older people across Scotland. Among the services covered are adult social care, adoption, mental health, respite, drug and alcohol misuse, care at home, and care homes for children and young people.

The **Scottish Housing Regulator**, vested with a statutory objective of safeguarding and promoting the interests of current and future tenants of social landlords, homeless people and those who may become homeless, and people who use housing services provided by registered social landlords and local authorities.

Inspection reports from agencies, and other guidance materials, such as Audit Scotland publications in the 'How Councils Work' series, provide an excellent starting point in assessing the performance of services, and contemplating the features of good practice.

Expert evidence

This may be in the form of research or evaluation reports, and/or it could be oral evidence from an expert at a meeting of a scrutiny committee. Generally, it will be drawn from further afield than the local authority area to give texture, context and counter-point to information generated from within the council. Such evidence is likely to have the added virtue of having been prepared independently, and subject to peer review. Thus, it should have a high degree of rigour and objectivity, though this is something that the committee will need to assess.

Officers supporting scrutiny should make efforts to identify the availability of expert evidence and, where it is not available but would add real value to a

review, a committee may contemplate commissioning such evidence, as opposed to the more direct support referred to in section 4.10.3 through the appointment of an expert adviser to the committee or co-option of an appropriately skilled individual on to the committee.

A need to commission evidence such as an expert report is not something you want to awake to at the eleventh hour of a review. It should be something the committee is thinking about even from the earliest stages of selecting topics for scrutiny.

Consultation with service users/ customers and the public

Data will give you a strong quantitative indication of the consequences of council decisions, or of service outputs. It will tell you the number of clients seen, grant payments made, or the number of bins emptied. But, what it will not give you is a rounded impression of the quality of the service delivered or the personal impact of policy implementation; 'outcomes' as opposed to 'outputs'. Thus, consultation with those who are on the receiving end of decisions and services is crucial.

If the object of scrutiny is to improve outcomes for people, then it is follows that public services should

be organised around the needs and aspirations of service users and citizens. Scrutiny has a prime responsibility in this regard, and can do much to improve the interaction of councils with service users/customers and the public to ensure their views are taken on board at the service design and service delivery stages, as well as subsequently.

Councils use a number of techniques to obtain the views of service users and the public. These include:

- Citizens' Panels

- user panels

- Citizens' Juries

- issue specific focus groups

- neighbourhood/household surveys

- public meetings.

Which mechanism is used will depend on what type and level of information and feedback is required.

In gathering evidence from the public, it should be recognised that certain methodological difficulties are commonly encountered. These include low response rates (e.g. surveys) and the disproportionate influence of 'those who shout loudest'.

Members need to be attentive to such difficulties and should encourage officers to seek a mix of evidence in which qualitative evidence based on individual experience is balanced with quantitative evidence showing the extent of such experiences, or perceptions.

Frequently, the council will have a record of accumulated feedback on discrete services as well as perceptions of the council more generally. These provide an important measure of trends, and a baseline from which to contemplate improvement action. For example, LGBF data intimates that, although councils continued to improve several key service performance measures in 2014/15, (such as secondary school educational attainment, the balance between care at home and in care homes, the quality of council housing and waste recycling) public satisfaction with services generally appeared to have declined. 'In area' feedback commissioned by the council may provide corroboration of or counter-point to such evidence. It may, indeed, reaffirm the need for the council 'to work more closely with [its] communities and service users to establish service priorities'. In so doing, it may highlight a potential seam of activity to be mined by scrutiny, or it may present a local

perspective which runs counter to national trends. [Audit Scotland: Local Government Overview 2016]

Where no feedback exists, you should encourage the relevant officers to ensure that user views and, where appropriate, public perspectives are sought.

Consultation with service users and the public in general should be more than a number-crunching exercise. It is an essential mechanism for citizen participation in council processes, and in engendering and maintaining the transparency, accountability and credibility which are a key theme of this notebook.

Service providers and front-line staff

We have already considered the vital support of council officers in making successful scrutiny possible. There is an additional, though sometimes overlooked, contribution from council officers we should consider. This is input from those officers responsible for delivering the services which are the subject of scrutiny.

Typically, officers engaged in delivering a service will have a degree of knowledge and insight into that service, which others making a time-limited inquiry cannot possibly acquire. Service officers will know

what works and what doesn't. They may have good ideas about how services are provided, based on close contact with customers or service users, and have an obvious motivation in striving for the highest standards in the services for which they are responsible.

Constructive input from staff should be encouraged, though even less comfortable truths may have value in enabling scrutiny to determine the steps required to facilitate improvement. What is important is that, having invited input, officers are not reproached for evidence honestly given. If necessary, independent facilitation and a guarantee of anonymity should be offered to ensure that employees will give an open account. It is essential that these views are sought and harnessed within any assessment of a council service and in what direction it should be heading.

What applies to officers also applies to non-council service providers. Practitioner experience is generally first-hand experience, and hearing evidence from those who manage services directly or are at the sharp end of delivering them allows decision makers to gain direct insight into how they work in practice.

More generally, experience has an

evidential weight which opinion does not.

5.5.3 Evidence gathering

It will be apparent that evidence comes in a number of forms. It might be documentary evidence in the form of council reports or policy documents. It might be oral evidence, such as testimony from local residents, service users or relevant experts. It may even involve site visits to give members an appreciation of the physical layout of a building, or to see a service being provided.

The aim is to build a healthy mix of evidence, ensuring that the full complexity of issues is understood, thereby allowing appropriate judgements to be drawn. Officers should undertake the primary role of gathering evidence required by scrutiny committees.

However, it helps if elected members have a conception of the kind of evidence that is likely to support their inquiry. You have an important role in shaping the content and format of information presented to committee, and should challenge officers where materials are presented in a way which does not permit you to perform your role effectively.

In navigating your way round a surfeit

of potential resources, or for that matter, in trying to make sense of an area where the evidence is much thinner than anticipated, it is prudent to have a structured approach. A good way of thinking about evidence is to begin with strategic information to establish context before working through tactical and performance information towards what might be regarded as illustrative evidence e.g. the direct personal experience of service users. You need to be clear as to the purpose of requesting specific information and what you hope to achieve as a result of having it.

Documentary evidence should be relatively easy to access, though officers can assist by ensuring that some analysis is offered in reports or with the provision of documentary materials, and not simply bare data.

There can be a tendency to think that 'it all takes place at committee' with research conducted more or less exclusively by officers to be presented in the shape of substantive reports at regular scrutiny meetings. That overlooks the value to be derived from wider engagement in the process of scrutiny, and it ignores how the committee may support and augment evidence gathering. There are a number of ways in which scrutiny can do this:

- Public meetings - that is public meetings where the public are actively engaged in sharing their views, not formal scrutiny meetings 'in public' to the extent that they may be observed by the public.

- Surveys and focus groups

- Round table discussions - this might involve, for example, a range of experts, or service users and practitioners

- Site visits

- Inviting public comment on a review topic - social media has increased the potential opportunities for such engagement.

In short, your approach should reflect the nature of the subject matter, the purpose of your inquiry and the evidence you need to assemble to support it. Whichever approach is used, of course, rigour should not be sacrificed for novelty.

5.5.4 Using evidence effectively

5.5.4.1 'Not all evidence is equal'

Gathering evidence is only half the story. You now need to use that evidence in a way, which adds value to the subjects being reviewed and, more broadly, to the council and

the people it serves. This means approaching evidence with 'an informed and critical eye'.

As CfPS puts it, 'not all evidence is equal'. Independent peer reviewed academic research should carry greater evidential weight than a smattering of anecdotes. That said, when customer complaints information is laid alongside performance data, then it may tell you something about how a service operates that could not be garnered from the cold hard facts alone.

There are two lessons to be drawn from this. The first is that you need to weigh and judge evidence in a way which allows you to assimilate the broad themes which emerge from the evidence taken together. It is a process of 'triangulation' in which sources are compared, contrasted and cross-checked to validate, corroborate or distinguish them. The second lesson is that it allows the shortcomings of the council's own information gathering to be identified, so that efforts can be made to strengthen its accuracy, pertinence and credibility.

Differentiation between evidence sources also requires acknowledgement of the fact that despite our best intentions, all of us are prey to pre-conceived notions

and biases. There are over 100 cognitive biases including 'groupthink' (or 'herd mentality'), 'confirmation bias' (a preference for whichever evidence supports our view of the world), and one of the most lethal for members' own impartial consideration of matters, 'availability bias'. This is the tendency to interpret one's own experience and history of personal anecdote as pertinent, common and, ultimately, more persuasive than other evidence.

In dealing with evidence, elected members need both to be attentive to potential biases in evidence under consideration, and to their own partialities in judging the evidence of others. Plainly, political bias can have impact. As we noted earlier, political values and allegiance are part of what makes members who they are. The aim should be to ensure that one's biases do not prejudice one's judgements negating the insights and value that scrutiny can bring.

Evidence from the public also raises some notable challenges as already observed in section 5.5.2. An additional challenge emerges from feedback information and public surveys, which commonly reveal that public perception of services such as education, or care at home is considerably more negative than is the perception of those who actually

use these services. Where members of the public are not using a service themselves, then individually or as group, it appears there is greater risk that the value judgements of others will be imported into the void of actual experience. Negative press, for example, even that based on isolated failures, can have a disproportionate impact on public perceptions.

This does not undermine the significance or power of such evidence, however. On the contrary, evidence from the public is valuable where it is evidence of something that the public have experienced directly, but it is also highly valuable, where experience is not direct, in giving councils an understanding of public perceptions. As democratically elected bodies, councils will be anxious to know how services and its decisions are viewed. Where that perception runs counter to the evidence, at the very least, councils and elected members will want to engage and communicate with the public to address concerns.

5.5.4.2 Causation

One of the greatest challenges for evidence is proving 'causation'. Simply put, did this action lead to this consequence? Indeed, establishing causation is probably more challenging than ever in a Scottish public policy context, in which councils and others struggle to identify the improvement wrought by social programmes composed of a complex array of overlapping interventions and where a multiplicity of other unrelated factors may be in play.

The ideal is to demonstrate impact or the potential for improvement through the assembly of multiple and diverse nodes of evidence. Hopefully, the confluence of a spread of sources will be proof positive of something. Yet sometimes you may be left with evidence of improvement and no convincing link directly to the interventions of the council and others.

Improving the quality and relevance of indicators remains the best answer to the issue of proving causation, and councils should continue their efforts to develop indicators used 'in-house', just as they seek to continue to improve the breadth, cogency and quality of indicators which comprise the LGBF.

5.6 Useful Skills

5.6.1 General

Effective communication is a core skill for elected members. One key strand is 'drawing out, listening to and considering other people's views'. This

can be further broken down into the ability to:

- use appropriate questioning techniques (e.g. asking closed, open or probing questions) to draw out information from officers, constituents, other elected members etc.

- check your understanding of the views of others and respond appropriately.

- put people at ease (e.g. officers, constituents) when they are speaking to you.

In other words, all members should seek to develop skills in effective questioning of and listening to others. Making good judgements depends on eliciting information, listening and being able to differentiate between what is material and what is not, and being able to make sound judgements based on the evidence. What is true for all members has particular resonance for those engaged in scrutiny.

5.6.2 Techniques for questioning

All members should seek to develop skills in effective questioning, as the answers you get will be greatly influenced by the questions you ask. Before you ask any questions, it is always prudent to do a bit of research first. This enables you to target your questioning more effectively, and by demonstrating a basic knowledge of the issues, you are more likely to discourage uninformative or evasive answers. Indeed, it is important to recognise that fundamental to successful questioning is balancing your need for answers with the building of a sufficient rapport with participants to maximise the quality and utility of their responses.

You will need to ask the right questions of the right witnesses. Technical questions may be appropriate for experts, but not necessarily for service users or members of the public.

In referring to 'witnesses', it is worth noting that there appears to be no settled term for those people called to give evidence at committee meetings. In the sense that these invitees are there to provide evidence, then they are witnesses, but this might seem a loaded term being normally associated with court proceedings. A better term may be 'participants', which has the virtue of implying that the individuals concerned are present to make a positive contribution to scrutiny's effort to drive improvement.

Let's look at several questioning techniques that should help you draw out the information you require.

Establishing questions

It is common where participants are called to give evidence to ask what are sometimes referred to as 'establishing questions'. These serve to confirm for the public (or private) record who the witness is, and what their status or role is in respect of an inquiry ('What is your role in.......? How long have you been in that role? What does the role entail?')

Open questions

As the term suggests, 'open' questions are intended to get witnesses to open up and encourage the flow of information. They generally begin with words like 'What', 'Why', 'When', 'Where', 'Who', or 'How' and are intended to encourage an expansive response, allowing you to then focus more tightly on what emerges.

A few open questions can be a useful way of settling participants early in an evidence gathering session ('What can you tell us about...?') You want them to relax and share their knowledge with you about the topic. Once the conversational pattern has been established, more detailed questioning can be pursued.

They are also a way to explore the opinions or attitudes of participants ('What are your views on...?')

Closed questions

Closed questions should be used when you want a straightforward and simple answer. Often, they require nothing more than 'yes' or 'no' by way of reply. Their aim is brevity and clarity. For example, 'did you...?' and 'when was that?'

Closed questions are invaluable in letting you pin something down e.g. 'Are you happy with the current supplier? Do they give you all that you need? Would you like to find a better supplier?' By commonly presenting participants with a choice of alternatives, they are difficult to evade and let you keep control of the situation. They also help in allowing you test someone's understanding or in controlling a participant who has begun to ramble.

Leading questions

As the name suggests, 'leading questions' are intended to lead or prompt a participant to give the answer the questioner wants. They may have some purpose in checking a difficult participant or in getting clarity on what a participant said, but you should be careful not to box a participant in to giving answers you want and they don't unless there is

very good reason for trammelling them in this way. Remember, the job of scrutiny is to get to the evidence to enable you to form conclusions influenced by that evidence. It is not to give a platform for members to proclaim preconceived opinions.

Extending and probing questions

Extending or probing questions are variations on a theme. Both are used to follow-up answers to get further information or clarity on answers already given. In posing an 'extending question', you want the participant to elaborate on what they've said. 'Could you tell me more about…?' or 'how else might you…?'

Probing questions are more concerned with digging deeper into existing answers. In effect, they signal to the participant 'I hear you and I'm interested in what you say, and I want to find out much more about it'. This leads to questions which focus down on the detail, fill in the gaps, and verify the participants' perception of what it is they've described e.g. 'Can you be more specific about ….?', 'How did you do that?', 'Why did that happen?', 'What, specifically, caused ….?', 'Tell me more about….', 'What is the root cause of all of this?'

There are a variety of ways to probe the replies of participants. These include:

Comparative questions where the participant is asked to express their view on the difference usually between a previous situation and the present situation. 'What is the difference between…?' 'How have things have changed?'

Hypothetical questions are by their nature comparative e.g. 'What would you have done about…?' 'If…?' Such questions need to be approached with a degree of care. Creating false comparisons may do more harm than good in evidential terms. However, hypothetical scenarios sometimes allow participants to set out what else would be required under specified circumstances, or a safe space from which to express views more candidly.

Summarising or repeating a question allows you to sense check that you have understood what a participant said. Invariably, this is done by rephrasing or paraphrasing what the participant said rather than repeating it verbatim. As such it amounts to a leading question but, if approached carefully, can be a useful way of further drawing them out, or encouraging them to reflect on an earlier answer from a different angle, as well as rehearsing the accuracy of the questioner's understanding. 'Are you saying that…?' 'So, what you mean is…?'

Linking questions back to something a participant has already said is also a way to flush out further information or to create comparisons upon which participants' views are sought. 'You said earlier that....'

Such questions are particularly useful for those engaged in scrutiny. Care needs to be taken however, not to stray into 'pit bull' mode. Contrary to popular belief, overly aggressive and confrontational is generally counter-productive. You are trying to get as much useful information as you can from participants, not to cause them to clam up.

In broad terms, questioning of participants usually begins with establishing questions, proceeds by way of open questions, supplemented by closed questions, with extending and probing questions asked as the participants responds. However, there is no hard and fast way to approach the questioning of participants. It's a matter of judgement, keeping in mind your aim is to get as much good and useful information as you can.

It hardly needs be said that there is no point asking pertinent and well-crafted questions if you pay no heed to what is said in response. Listening diligently to what participants say is integral to the process of scrutiny. Indeed, if you don't listen, you will

not be able to formulate the kind of probing questions you are likely to need to get all the facts. How you express yourself, your body language and your attentiveness are all part of the exercise.

Get them right and you should put participants at their ease, optimising the conditions for participants and the prospects for evidence gathering.

5.6.3 Chairing scrutiny

The chair of a scrutiny committee has a vital role in leading effective scrutiny. Their aim should be to foster an environment built on strong but respectful challenge.

In general terms, this means ensuring that:

- members and officers understand their roles in the challenge process

- conflicts between members of the committee are managed

- appropriate materials and participants are marshalled for meetings and that members and officers are effectively prepared

- members remain focused on the agenda and the task in hand

- the committee is itself an exemplar of good practice.

In meetings, they should ensure that:

- the tone of proceedings is one which encourages members and participants to contribute constructively

- all members and stakeholders feel engaged and able to meaningfully contribute

- parochial questions or those driven by personal agendas are discouraged

- that political point-scoring is checked

- members refrain from making statements, but ask pertinent and focused questions

- time is managed effectively, so that the committee does not run out of time to ask the right questions or give all witnesses fair opportunity to be heard

- they summarise the action points and outcomes so that there is clarity over what has been agreed.

5.7 Reaching a Conclusion and Follow Up

Gathering and weighing the evidence should not be where the process ends. As we noted in section 5.4, there are key steps still to be accomplished.

Clearly, the committee needs to come to a formal conclusion. This will usually consist of a report written by officers, setting out the committee's assessment of the issues, its final conclusions and recommendations for action. Wherever possible, recommendations should, be SMART (Specific, Measurable, Achievable, Relevant and Timed). It is also worth thinking about who your audience is, whether full council, a committee or executive and, of course, the public, ensuring that both your presentation of the issues, and your recommendations are 'audience-friendly'. Where appropriate, the chair of the scrutiny committee, or another scrutiny member well-versed in the subject, should attend committee or executive to present the report and respond to any questions.

It is both prudent and desirable to inform relevant stakeholders of scrutiny committee recommendations. This may be a relatively narrow group of stakeholders, or it may include the public. Testing your recommendations in this way supports the democratic engagement dimension of scrutiny, and enables the wisdom and practicality of your conclusions to be validated

with stakeholders who may be the recipients of a service, the providers of that service, or the public reflecting their perception of a council decision.

It's worth repeating that your report is a means to an end. The objective is effecting improvement in how the council does its business. There is little point in making well-researched, carefully considered recommendations unless you revisit the subject matter and assess the implementation of and impact of your recommendations. Your committee should set a date for a review of the progress made. How far that date is scheduled into the future will depend on the nature of the matters under consideration, including assessment of the timescales for action and an estimate of the period required for intended benefits to manifest themselves meaningfully.

In returning to the matter, it should be recognised progress may be less than hoped for. Actions may not have been fully implemented, and some actions, perhaps not at all. Even where actions have been fully implemented, no improvement may be discernible, or there may be progress but this cannot

be attributed to recommendations, or, conceivably, recommendations will have had an impact counter to that which was intended. It is scrutiny's role to investigate, to evaluate impact objectively, and, if necessary, to make additional recommendations. These may reaffirm and extend or, exceptionally, reverse scrutiny's earlier recommendations.

Lastly, and most importantly, one further theme bears repeating: though a guide on scrutiny necessarily focuses on the activity of formal scrutiny committees, the exercise of scrutiny and the techniques employed in scrutiny are commonplace to all public sector decision-making and monitoring. It is the guarantor of Best Value, and the prerequisite of better outcomes. From the most significant multi-million-pound investment to an individual ward issue, all elected member activity is predicated on determining the issues, gathering and weighing the evidence, and instructing appropriate courses of action in light of reasoned judgements. As such, we hope that all elected members, not only those engaged in formal scrutiny, will find something useful in this notebook.

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SCRUTINY

What Elected Members Need to Know

Contents

Acknowledgements

About this Notebook

'Scrutiny: What elected members need to know' is a shorter notebook to scrutiny for elected members who want to know and understand the fundamental points around scrutiny. For a more detailed consideration of the issues this notebook covers, please refer to our full-length **Scrutiny Notebook**

1. What is Scrutiny?

1.1 Introduction

When we talk about scrutiny within councils, we mean the process of holding 'others' to account through monitoring, examination and questioning of decisions, actions and performance.

'Scrutiny' refers both to this process of inquiry and to the formal committees where the principal activity is 'scrutiny' in contrast to those committees where the core remit is 'decision-making'. In this notebook, we use the broad term 'scrutiny committees' to refer to all those committees and panels which undertake predominantly scrutiny work.

The objective of scrutiny is improvement. Pressure to continuously improve is driven by reducing resources, and increased customer and service user expectations. Additionally, the aspirations of elected members and council officers are key motivations for improvement, while statutory obligations to deliver 'Best Value' and to 'Follow the Public Pound' impose specific demands in pursuing improvement.

Whichever governance system a council operates, scrutiny is an essential part of ensuring that the local authority remains open and accountable. A brief survey of council governance arrangements since the May 2017 local government elections suggests that 11 councils operate an executive usually accompanied by a distinct scrutiny function. Of the remainder, one appears to operate a hybrid executive/scrutiny/committee system and the remaining 20 operate a committee system, but invariably also have separate scrutiny committees or panels of one sort of another. The variation in approach reflects the fact that scrutiny within councils in Scotland is predicated on council Schemes of Administration, not directly on statute. In other words, the shape and content of arrangements is a matter for elected members to determine in consultation with officers.

In councils where there is no discrete scrutiny committee and each executive directorate reports to a distinct service committee, the driving of improvements through scrutiny within those committees is still expected to take place.

Scrutiny is every elected member's job and as democratically elected representatives, this gives you a moral right to scrutinise the decisions, arrangements and performance of local services. Whether or not you are involved directly in your council's

scrutiny function, understanding how scrutiny works and how to apply the skills upon which effective scrutiny depends will help you across the broad range of roles you are called upon to undertake as an elected member.

Alone among the organisations which provide local services and constitute community planning partnerships, councils are fully democratically controlled. Thus, elected members have a unique standing not possessed by others. Arguably, this gives them a moral right to scrutinise the decisions, arrangements and performance of local providers on behalf of the citizens they represent.

1.2 Context

The Accounts Commission notes that 'in a climate of reducing resources the importance of scrutiny has never been greater. Scrutiny arrangements must add demonstrable value in monitoring the planning, execution and follow-up of key decisions. The public needs to have confidence that their council's arrangements are transparent, independent and effective. If they are not, the public interest is not being met.' [p4-5 Audit Scotland 'An Overview of Local Government in Scotland 2016']. Scrutiny must be seen as an investment in improvement.

'Best Value' and 'Following the Public Pound' are foundational concepts in undertaking scrutiny and in meeting these challenges. To them should be added a clear focus on 'outcomes'.

Best Value

Councils have a statutory duty, introduced in the Local Government (Scotland) Act 2003, to make arrangements to secure Best Value. In summary, the legislation obliges each council to:

- work with its partners to identify a clear set of priorities that respond to the needs of the local community

- be organised to deliver those priorities

- meet and clearly demonstrate that it is meeting the community's needs

- operate in a way that drives continuous improvement in all of its activities.

In public policy terms, scrutiny will be pursuing the right objective if its purpose is to embed the principles of Best Value within the activities of the council.

Following the Public pound

Closely related to Best Value is 'Following the Public Pound' aimed at ensuring that there is proper accountability for public funds used in delivering services, when the council decides to fund external organisations that deliver services that might otherwise be delivered by the council itself. 'Following the Public Pound' does not apply when the council's financial relationships with external organisations are on a straightforward contractual basis, such as those resulting from open tender, but, it does apply to all other arrangements, ranging from one-off grants to voluntary organisations to large-scale regular contributions to the operating costs of organisations created by the council to provide services that it previously provided directly.

Outcomes

Increasingly, scrutiny is less about the activities that services undertake than it is about the outcomes they deliver. The last decade has seen the development of a new approach to public policy in Scotland, which focuses on societal progress through measuring wellbeing as a function of improvements in quality of life, material conditions and sustainability. This has found its principal expression in the Christie Commission and the National Performance Framework now enshrined in legislation through the Community Empowerment (Scotland) Act 2015.

2. The Process of Scrutiny

2.1 The Power of Scrutiny

The principal power of a scrutiny committee is its power to influence the decisions and policies of the council and other organisations involved in delivering public services. Scrutiny has a vital role, investigating 'big ticket' issues for the council and those issues which most affect the local area or the area's inhabitants, but it cannot compel anyone to do anything. It is scrutiny's 'soft power', its capacity to influence, which is the heart of its power.

The significance of this power should not be under-estimated. There are few things more powerful than cogent judgement based upon careful balanced assessment of the evidence. A decision-making committee or executive which insists on a course of action in spite of the evidence may constitute a repudiation of the very principles of Best Value which elected members have a duty to uphold.

The object is to add value to council decision-making, to inject rigour into its policy development, and to provide assurance on improving performance.

2.2 Types of Scrutiny

Scrutiny in local government can be divided into three broad categories:

horizon-scanning scrutiny; pre-decision scrutiny; and post-decision scrutiny.

Horizon-scanning scrutiny looks ahead to changes that are likely to be necessary because of proposed developments or some probable contingency, usually external to the council but with significant implications for its operation. The UK Government's introduction of Universal Credit and other changes to the welfare system, Scottish Government's proposed educational reforms, and the budgetary imperatives likely to flow from future resourcing of local government are all examples of this. The object of the exercise is to inform the council's preparations and put it in the best possible position to respond to likely challenges.

Pre-decision scrutiny examines a council's proposals, objectives and draft programmes to inform their development before they are enacted. In this way, scrutiny can help the council to achieve optimum results by avoiding mistakes and making the best of opportunities.

Post-decision scrutiny looks at the implementation of council policy, projects and performance in retrospect. This enables scrutiny to review the effects of its decision-

making, policy and practice on the basis of direct evidence of actual outcomes measured against intended goals. This enables the council to identify mistakes, or unforeseen consequences so that the decision or activity can be refined and improved.

As for what can be scrutinised, any council activity, or the activity of a partner organisations could be the subject of a scrutiny review. Scrutiny might be of a decision, a policy, a project or programme, the implementation of any of these, or the assessment of a set of circumstances with a view to informing the creation of future policy. It might relate to proposals for spending and investment, the performance of the council or the performance of partner organisations or ALEOs, or the risk, liability and sustainability of a council project or service.

As for who or what might be the subject of scrutiny, it will include all of the following at some point and potentially more than one within the same scrutiny review in many cases:-

• Scrutiny of the Executive or Council Administration, and specifically, the policies, policy implementation, decisions and performance for which they are politically and strategically responsible

• Scrutiny of the council management and particularly the council senior management team - on their analysis, option selections and recommendations to elected members on proposed policies, decisions, and projects

• Scrutiny of partner agencies - what is/will be the impact of their policies, decisions, actions, service delivery on communities; are they contributing to the achievement of the LOIP? Police and fire are key community planning partners, but also directly accountable to local authorities for local service delivery.

• Scrutiny of arm's length external organisations – given that ALEOs are formally separate from a local authority but subject to its control and influence, councils have a clear interest in the decision-making, operation and performance of such organisations. There is however, an important distinction to be made between the corporate governance of these bodies by elected members who sit on the boards of ALEOs, and elected members holding them to account through scrutiny on behalf of the council. Confusion between these roles may lead to problems.

2.3 Meetings

Scrutiny committee meetings, like other formal meetings of the council, must take place in public. There are exceptions to this general rule, however, where the public consideration of matters would breach an 'obligation of confidence' or the information is 'exempt'. In such instances, matters (such as commercially sensitive material) may be dealt with in private business.

Even then, however, good practice holds that efforts should be made to present information publicly where this can be achieved without compromising the pertinence of that information or infringing confidentiality. Scrutiny has a critical role in holding up a mirror to the decisions and actions of the council, assessing them objectively and being seen to do so.

Frequently, scrutiny committees set up sub-committees to increase the focus on specific subject matter. Sub-committees are usually time-limited bodies comprised of a smaller group of elected members, and sometimes, supported by the specific skill sets and experience brought by co-optees or technical advisers. The elected member participants within the sub-committee need not necessarily be members drawn from full scrutiny committee members. They may be drawn from across the council membership, even from the political leadership where the task involved does not present any conflict of accountability with a portfolio or executive responsibility.

In establishing sub-committees, full scrutiny committees should establish clear terms of reference, setting out the purpose and objects of the group, membership and expectations around the timeframe for reporting on the sub-committee's work.

Pre-meetings, where members meet in advance of formal committee meetings can help with the planning and preparation of scrutiny activity. No formal business can or should be progressed at a pre-meeting, but it can afford the committee the time and space to discuss lines of enquiry, what kinds of evidence they should be seeking, what questions they should ask, and who should ask them.

3. Components of Effective Scrutiny

To deliver the benefits of effective scrutiny, there are a number of building blocks, which councils and elected members should strive to have. These comprise:

3.1 Constructive Political Relationships

All elected members need to be committed to ensuring that, while dealing with topics of acute political sensitivity, scrutiny does not descend simply into a party political or similarly partisan contest in which the objectives of good governance and improved decision-making, service provision and cost-effectiveness are negated.

In practice, there is a trade off. An administration is more likely to be willing to endure criticisms where scrutiny makes evidence-based points candidly and cogently, but does not succumb, especially where a scrutiny committee is populated by a majority of opposition members, to the temptation to pursue every opportunity as a means of discrediting the administration.

In a 2004 paper on 'scrutiny and the political party group in UK local government', Leach and Copus concluded that: "...lack of political willingness to make the scrutiny

system work cannot be compensated for by exemplary practice in relation to analytical capacity and appropriate management ... Unless the behaviour of party groups facilitate "effective scrutiny", other influences have relatively little power to add value." [Source: Leach, S & Copus, C (2004) *Scrutiny and the political party group in UK local government: new models of behaviour*]

Therefore, of all the building blocks, this one is of particular importance.

3.2 Effective Organisation of the Scrutiny Function

Scrutiny committees must have clear terms of reference that set out their independent role in scrutinising the council's decisions, performance and practice. The clearest distinction should be made between those forums in the council which are accountable for decision-making, and those which are responsible for scrutiny.

The choice of chair of a scrutiny committee is an important signal of a council's attitude to scrutiny. The Accounts Commission recommends that the chair of a scrutiny committee is not a member of the political administration in the interests of transparency.

The basic composition of a scrutiny committees is also important. Scrutiny must be seen as an all-party activity, in which members of all allegiances and none might be expected to play an equal part. Allocating places on a scrutiny committee proportionate to the relative strength of different groupings on the council, or, if unachievable, giving marginally greater than proportionate weight to opposition parties, is likely to be the simplest way of establishing a committee, which is both balanced and invested in the task of holding the political and officer leaderships of the council to account.

The council leadership, committee chairs or members of an executive are not prohibited from being members of a scrutiny committee. Generally speaking however, it is good practice that they do not sit on a formal scrutiny committee, especially where there is a risk of conflict between possible lines of scrutiny inquiry and their committee or portfolio responsibility.

3.3 Officer support

Officers have a responsibility to provide advice and support to all members of the authority without qualification. Officer attitudes and behaviours towards scrutiny, and their responsiveness to questions from and support of scrutiny members has a powerful influence over how effective scrutiny can be. Thus, officer support for scrutiny is likely to be strengthened and scrutiny rendered more effective where officers have a good understanding of scrutiny's improvement purpose.

3.4 Training and development

Ensuring that individuals involved in the scrutiny process have the right skills and competencies is a key element of preparing for effective scrutiny. Elected members need to be confident negotiating an increasingly complex environment: able to appraise the merits and disadvantages of different options, capable of assessing performance, and equal to the task of identifying remedies or innovations.

3.5 Planning and focus

Rigour in how scrutiny goes about its work is essential to it having a meaningful and positive impact. This necessitates planning ahead, and being focused on the task in hand. Work should be undertaken efficiently, and targeted in a way which maximises the use of resources. Members should be prepared and disciplined in meetings, with a clear

focus on the purpose of their inquiry. Committees should allow sufficient time for deliberations and conclusions, should arrive at clear conclusions and recommendations, and should follow up on their work to verify that agreed improvement actions were implemented and with what success.

3.6 Working with others

Working effectively with others is an essential element of effective scrutiny. It is likely to involve:

Partner Organisations

Many council services will involve partner organisations in some way, so it follows that those partner organisations will be partners in, and the subjects of, council scrutiny. These may be private sector partners, as well as partners from the public and voluntary sectors. They are likely to include contractors; organisations with which the council has jointly commissioned services; organisations which the council funds to deliver certain services through grant funding or service level agreements; as well as community planning partners.

Whatever the nature of the partnership, the key to effective partnership working is the delivery of the collaborative gain, which would not have been achieved by the individual partners working on their own. In order to measure how successful the partnership has been at delivering the collaborative gain, the partnership should have a performance management and reporting framework in place. Scrutiny has a central role to play in this.

Co-optees and Experts

Councils can seek to strengthen scrutiny by bringing external voices into the process. This is most usually done by co-opting external parties on to a committee, or by appointing an independent expert or technical adviser to support the process of scrutiny.

The Public

Engagement with the public should be regarded as integral to the process of scrutiny. This means engagement 'throughout' the process of scrutiny. There is value in bringing the public in before reviews, during them, and after they have completed. Engaging the public before, enables subjects for scrutiny to be selected taking into account the views of local communities, permitting a work programme to be developed which responds meaningfully to the chief concerns of residents. Drawing upon the evidence of the public improves the evidence base for scrutiny recommendations, enabling the public

to share their experiences and be heard by decision-makers. Involving the public in the review and debate of findings and recommendations provides insight into public expectations, allowing the council to contemplate its conclusions carefully. Of course, a public expectation which is not objectively supported by evidence needs to be approached with caution, but feedback even on unpopular choices will provide an insight into the political and community dynamics of proposed actions.
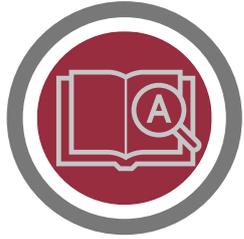
4. Scrutiny Skills

4.1 Assessing Evidence

Evidence can challenge existing assumptions about ways of working and point the way to new solutions and innovative ways of doing things. What kind of evidence you need in scrutiny and where you go to find it will depend on the subject matter of your review. The aim however, is to build a healthy mix of evidence, ensuring that the full complexity of issues is understood, thereby allowing appropriate judgements to be drawn. This involves a process of 'triangulation' in which sources are compared, contrasted and cross-checked to validate, corroborate or distinguish them.

Council-generated Information

Councils generate a huge array of information, ranging from the strategic, such as the corporate plan and budgets, to operational information, such as options appraisals or risk registers. Such information is crucial in scene-setting, but you will to want to contextualise it with other evidence. This may well be evidence sourced by the council, but invariably it contains an external perspective, which allows members to interpret council information.

Such evidence includes:

Local Government Benchmarking Framework (LGBF)

The LGBF is a key improvement process, covering seven service areas, which together account for the majority of local government spending. By providing simple metrics on, for example, how much a service costs per user, or satisfaction levels with services, councils can compare performance with their peers year on year.

Reports from External Inspection Agencies

The Accounts Commission and Audit Scotland, and the information they provide is a valuable source of evidence as well as a guide to best practice in scrutiny. Other key national inspection agencies include: Education Scotland, The Care Inspectorate and The Scottish Housing Regulator.

Expert Evidence

This may be in the form of research or evaluation reports, and/or it could be oral evidence from an expert at a meeting of a scrutiny committee. Such evidence is likely to have the added virtue of having been prepared independently, and subject to peer review.

Consultation with Service Users/ Customers and the Public

Data will give you a strong quantitative indication of the consequences of council decisions, or of service outputs, but may tell you little about 'outcomes'. Thus, consultation with those who are on the receiving end of decisions and services is crucial.

Service Providers and Front-line Staff

Typically, officers engaged in delivering a service will have a degree of knowledge and insight into that service, which others making a time-limited inquiry cannot possibly acquire. They may have good ideas about how services are provided, based on close contact with customers or service users, and have an obvious motivation in striving for the highest standards in the services for which they are responsible. Constructive input from staff should be encouraged, though even less comfortable truths may have value in enabling scrutiny to determine the steps required to facilitate improvement. What is important is that, having invited input, officers are not reproached for evidence honestly given.

Whatever the form of evidence, you have an important role in shaping the content and format of information presented to committee, and should challenge officers where materials are presented in a way which does not permit you to perform your role effectively.

4.2 Questioning

Effective communication is a core skill for elected members. One key strand is 'drawing out, listening to and considering other people's views'. This can be further broken down into the ability to:

- use appropriate questioning techniques (e.g. asking closed, open or probing questions) to draw out information from officers, constituents, other elected members etc.

- check your understanding of the views of others and respond appropriately.

- put people at ease (e.g. officers, constituents) when they are speaking to you.

In other words, all members should seek to develop skills in effective questioning of, and listening to, others.

Before you ask any questions, it is always prudent to do a bit of research first. This enables you to target your questioning more effectively, and by
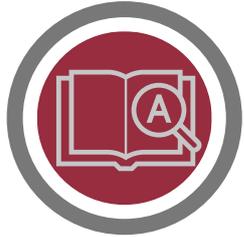
demonstrating a basic knowledge of the issues, you are more likely to discourage uninformative or evasive answers. Indeed, it is important to recognise that fundamental to successful questioning is balancing your need for answers with the building of a sufficient rapport with participants to maximise the quality and utility of their responses. Contrary to popular belief, overly aggressive and confrontational questioning is generally counterproductive. You are trying to get as much useful information as you can from participants, not to cause them to clam up.

The full-length Scrutiny Notebook contains a section on 'Questioning Techniques' that elected members may want to refer to.

5. Summary

We hope that this notebook will provide elected members with some key messages to think about with regards to scrutiny. Elected members that sit on scrutiny committees should consider reading the longer notebook as it contains information that is particularly relevant to the work of scrutiny committees.

Apr 2018

Local Police Plans
A Framework for Scrutiny

Version 1.0
January 2023

Introduction and Context

Local scrutiny is critical to the effective oversight and delivery of local policing across Scotland. Local Authorities were given responsibility for local scrutiny and engagement arrangements by the Police & Fire Reform (Scotland) Act 2012. Scrutiny in this context is the process of holding local commanders to account for delivery of, and improvement in, policing in the area.

This non-statutory national framework for scrutiny is intended primarily for use by Elected Members in local authorities, who are responsible for scrutinising delivery of local police and fire and rescue services. It describes the relationship between Local Police Plan and other strategic plans at a national and local level, and suggests areas where scrutiny may have a focus at different times during the planning cycle.

This Framework has been produced by the Scottish Police Authority (SPA) and COSLA in close collaboration with key strategic partners, including representatives from several Local Authorities. It has been produced in response to a recommendation made in a Tri-partite Review of Local Police Plans, undertaken by the Scottish Police Authority, COSLA and Police Scotland in 2021-22. The work to produce this initial Framework was taken forward by a jointly-chaired SPA-COSLA Short Life Working Group during and the summer and autumn of 2022.

The Framework draws and seeks to build on examples of existing good practice from local partners. The document itself should be regarded as being a 'living document', being kept under regular review and adapted in accordance with feedback from users. Elected Members and officers at Local Authority Level will be able to provide feedback on an ongoing basis using the SPA's Engagement Hub – Citizen Space. Also, it is intended that this Framework will be adapted and expanded upon, as appropriate, at a local level to reflect local arrangements, structures and processes, in partnership with the local area commander.

Principles for Scrutiny

In 2018 the Improvement Service published the following guidance on Scrutiny for Elected Members

- **Elected Member Notebook – Scrutiny**. This resource sets out how scrutiny works and how to apply the skills upon which effective scrutiny depends. It also gives Elected Members the knowledge and techniques needed to be effective members of a scrutiny committee. The document can be accessed here: Elected Member Notebook: Scrutiny (improvementservice.org.uk)
- The Improvement Service has also produced a **shorter notebook** for elected members that want an overview of the key points of scrutiny without the level of detail contained in the main notebook. A link to this version is available here: Scrutiny: What elected members need to know (improvementservice.org.uk)

The principles set out within the documents are universal, as are the components of effective scrutiny and the key skills required of scrutineers. The information provided in the notebooks can therefore be applied to scrutiny of local policing, which is also covered in the main notebook.

Components of Effective Scrutiny

Constructive Political Relationships
Effective organisation of the scrutiny function
Officer support
Training and development
Planning and focus
Working with others

Scrutiny Skills

Assessing evidence
Questioning

What is a Local Police Plan?

The Police and Fire Reform (Scotland) Act 2012 (S. 47) requires Police Scotland to produce Local Police Plans for each of the 32 local authorities in Scotland.

A Local Police Plan is a document which: describes the main priorities and objectives for policing in the local area; explains the reasons for selecting the priorities and objectives; and sets out the proposed arrangements for delivery of policing to meet the priorities and objectives.

It is important that delivery of an approved Local Police Plan is measurable using performance indicators, so wherever practicable, outcomes (with indicators of progress and performance) should be described for priorities and objectives.

A Local Police Plan should also describe how its priorities, objectives and arrangements contribute to the delivery of other relevant local outcomes, strategies and development plans, including those that are defined through community planning, namely in **Local Outcome Improvement Plans (LOIPs)**.

Local Police Plans should be seen, and therefore scrutinised, through the lens of being Plans that aim to make a positive contribution locally, to both policing-specific matters and wider community concerns. A substantive part of service delivery undertaken by the police service to implement Local Police Plans uses local and national police assets, in partnership with the local authority assets and those from other organisations.

Local Police Plans are produced by Local Commanders. Commanders have a statutory duty to consult with the local authorities when developing a Local Police Plan, prior to obtaining approval from the local authority. As an Elected Member, you have a key role in ensuring that the Plan reflects and addresses local challenges and priorities in your area.

Local Police Plans should be in place for no longer than a three year period before being reviewed, and should be consistent with the latest published version of the Scottish Police Authority's Strategic Police Plan.

# Relationship with other Plans

Local Police Plans are part of an integrated suite of strategic planning tools within policing and between policing and communities.

The Police and Fire Reform (Scotland) Act 2012 requires the Scottish Police Authority to develop a Strategic Police Plan in partnership with the Chief Constable. The Strategic Police Plan informs Police Scotland's approach to all other strategies and implementation plans, ensuring a consistent cascade of purpose for all operational policing in Scotland. Local Police Plans require to be consistent with the Strategic Police Plan, and reviewed whenever a new Strategic Police Plan is published by the Scottish Police Authority.

Local Police Plans should also be consistent with, and contribute to, Local Outcome Improvement Plans (LOIPs). These LOIPs are produced by Community Planning Partnerships, and Police Scotland has a statutory duty to participate in community planning.

Nationally, the Policing Performance Committee of the Authority oversees and scrutinises Police Scotland's performance in delivering the Strategic Police Plan, Annual Police Plan and operational policing policy. The COSLA Community Wellbeing spokesperson is a member of the Committee. Elected members can access national performance reports and watch the Committee proceedings here.

The Chief Constable also provides updates on policing in Scotland to every Scottish Police Authority meeting. Elected members can access the Board proceedings here.
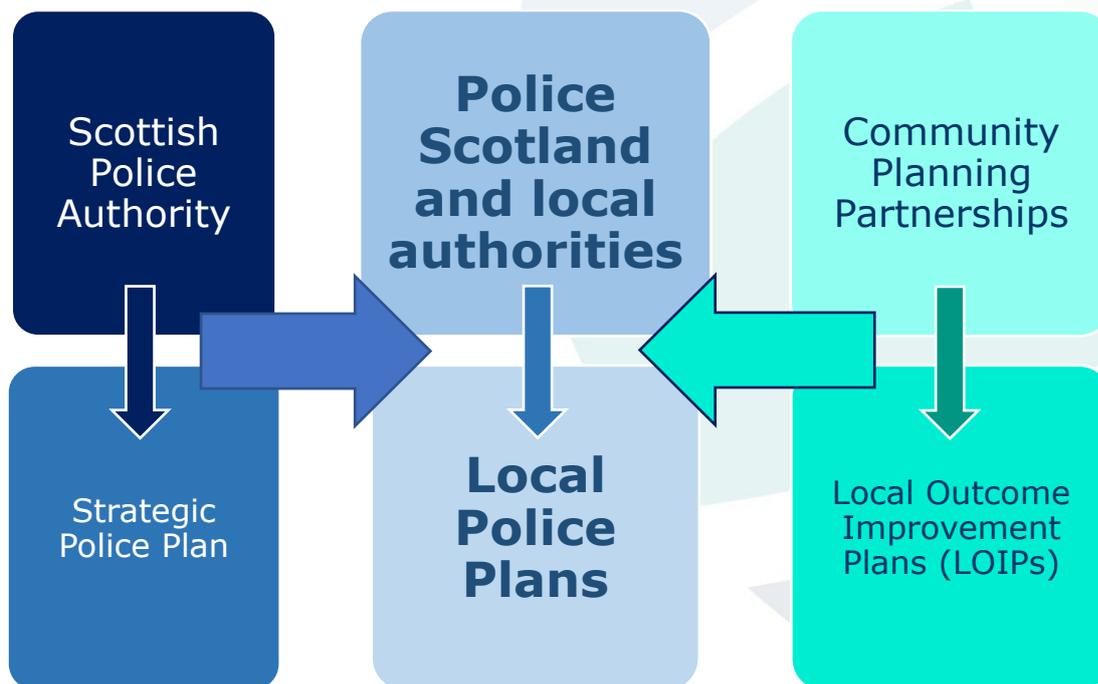
The Three Stages of Scrutiny

Local authority scrutiny regarding Local Police Plans is especially important at three stages, as each stage has a distinct focus:

Stage 1

Development of the Local Police Plan, prior to its approval by the local authority (engagement, consultation, content and supporting evidence).

Stage 2

Monitoring progress and performance during the life of the Plan's delivery (actions and results – measurable impact on the priorities and outcomes as seen through performance indicators).

Stage 3

Reviewing Local Police Plan delivery prior to renewal (accomplishment of the Plan, continued strategic relevance, what to take forward in the next Plan).

Suggested checklists for use at each of the three stages are located at the end of the document.

Stage 1 Scrutiny

During the development stage of a new Local Police Plan it is suggested that scrutiny focusses on:

- the nature and quality of consultation and engagement activity;
- how the outputs from consultation and engagement activity have influenced the Local Police Plan (alongside other evidence, for example, crime/incident/demand/intelligence data);
- how the Local Police Plan aligns with both the latest published Strategic Police Plan and the relevant Local Outcome Improvement Plan;
- what outcome-based measures (indicators) are proposed for reporting on performance and delivery progress;
- what data/information will be available to Elected Members at the level of the local authority and sub-local authority level, and how this can be accessed; and
- whether what is proposed in the Local Plan can be evidenced in its approach, reflecting research and/or tested policing approaches.

Stage 2 Scrutiny

During the ongoing monitoring stage of Local Police Plan delivery (through regular performance reporting to the local authority) it is suggested that scrutiny focusses on:

- progress by Police Scotland on delivering the objectives in the plan;
- updates on emerging local policing issues outwith the local police plan;
- aspects of progress and performance as it relates to the wider Community Planning Partnership and Police Scotland;
- changes to the policing performance indicators;
- the range and quality of both numeric (quantitative) and narrative (qualitative) evidence being used to evidence progress and impact across both crime-related as well as non-crime demand, such as antisocial behaviour, roads policing matters, public welfare concerns and major events policing;
- external (non-police) evidence, information and opinion from across the partnership; and
- clear demonstration of collaborative partnership working, both being led or contributed to by Police Scotland.

Members are encouraged to refer to the Improvement Service resources on scrutiny for further advice on scrutiny methods, tools and approaches.

Stage 3 Scrutiny

When a Local Police Plan approaches its completion or is otherwise due for review/renewal, it is suggested that scrutiny focusses on:

- what has been achieved during the life of the Plan, with reference to completion of the objectives and measurable performance change;
- how has policing contributed, through the Local Police Plan, as a partner to delivery of the LOIPs and other relevant local outcomes, strategies, development plans;
- how the selected priorities in the Local Police Plan now compare with other priorities; and
- what factors could be considered valuable in shaping the next Local Police Plan.

Suggested Scrutiny Checklists

These checklists have been developed to help Elected Members at each stage in the cycle of the Local Police Plan development, delivery and review.

Stage 1 Development of a Local Police Plan	Checklist
Police Scotland provide a sufficient consultation period with communities/stakeholders in developing the Local Police Plan (3 months minimum), including with Elected Members	
Findings from consultation/engagement activity are included in Local Police Plan or otherwise available for review/inspection	
Consultation/Engagement processes and methods are accessible and inclusive to communities, and relevant local partners and other stakeholders	
Selected Priorities and Objectives in the Local Police Plan take account of Consultation/Engagement Outputs	
Broader policing evidence is presented in the Local Police Plan to justify selection of Priorities and Objectives, reflecting research and/or tested policing approaches e.g. crime, incident, demand, intelligence information	
The Local Policing arrangements are articulated in the Local Police Plan. Arrangements might include how local policing teams are organised across the local authority and the local command structure, and reference to key premises such as HQs, and local police stations	
Sufficient explanation is given on how the policing arrangements are expected to deliver against the Priorities and Objectives	
Outcome measures for the Priorities/Objectives are defined in the Local Police Plan	
Baseline measures are provided for the Outcome measures	
Links to wider relevant local outcomes, strategies, development plans and community planning outcomes (the LOIPs) are articulated in the Local Police Plan	
The Local Police Plan is consistent with the most recently published Strategic Police Plan, especially the priorities, objectives and outcomes in the Strategic Police Plan	
Sufficient notice and time (months rather than weeks) is given to the local authority to review and comment on the draft Local Police Plan prior to its approval	
Feedback from the local authority should be responded to by Police Scotland, with an explanation given for why points raised have been taken on board or otherwise	

Stage 2 Delivery of a Local Police Plan	Checklist
Delivery milestones (where set in the Local Police Plan) are being met	
Numeric / quantitative performance measures are being reported consistently – if not, is a satisfactory explanation provided given?	
Numeric / quantitative performance measures are moving in the expected direction – if not, is a satisfactory explanation provided given?	
Narrative / qualitative performance information is being reported in sufficient detail and depth– if not, is a satisfactory explanation provided given?	
Emerging or high-risk issues outwith the Priorities in the Local Police Plan are being reported, alongside detail of how these are being addressed and implications, if any, for delivery of the Plan	
Best practice and other successes are being identified in performance reports	
Where performance is unsatisfactory, explanation is given on what actions will be taken and when performance levels will be expected to improve by	
Performance reports outline anticipated performance (or challenges to performance) in the period ahead (e.g. the quarter or six-month period ahead)	
Clear demonstration of collaborative partnership working is provided, both being led or contributed to by Police Scotland	
Stage 3 Review of a Local Police Plan	**Checklist**
A review of the existing Local Police Plan is being carried out by Police Scotland with the local authority and will report findings to Elected Members	
Stakeholders, including Elected Members, are invited to contribute to the review	
The review covers progress made and an assessment of measurable performance change	
Changes to the strategic landscape are considered as part of the review	
The review has identified areas to be taken on board when preparing the next iteration of the local police plan.	

Sources of Support

In addition to support from officers in relevant local authorities, the Scottish Police Authority and COSLA welcome enquiries and contact from Elected Members involved in the scrutiny of Local Police Plans and local policing.

The Scottish Police Authority and COSLA, in partnership with local area commanders, are also supportive of local authorities adapting and building on this framework document to better meet local circumstances and arrangements, and would be able to provide assistance if this is required.

For support regarding any aspect of Local Police Plans please contact:

- **Scottish Police Authority**
  SPAStrategyandPerformance@spa.police.uk

- **COSLA** info@cosla.gov.uk

- **Your local police commander**

Improvement Service

The Improvement Service produces Community Planning Outcomes Profiles to support Elected Members to help you assess if the lives of people in your community are improving. They contain a set of core measures on important life outcomes including early years, older people, **safer/stronger communities**, health and wellbeing, and engagement with local communities. The Profiles also give you a consistent basis for measuring outcomes and inequalities of outcome in your area.

Community Planning Outcomes Profile | Improvement Service

Providing Feedback

The Scottish Police Authority and COSLA intend to update this document, based on feedback from Elected Members and local officials who have been making use of it.

Reviews will take place at various points in the three stages of the local scrutiny cycle:

Stage 1 review – expected Summer 2023

Stage 2 review – expected at regular intervals between late 2023 and late 2025

Stage 3 review – expected Winter 2025/2026

Please provide your feedback on using this document to support your scrutiny activity by clicking here – the link takes you to the Scottish Police Authority's Citizen Space engagement hub.