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Cornwall Council  
Overview and Scrutiny: Scrutiny Skills

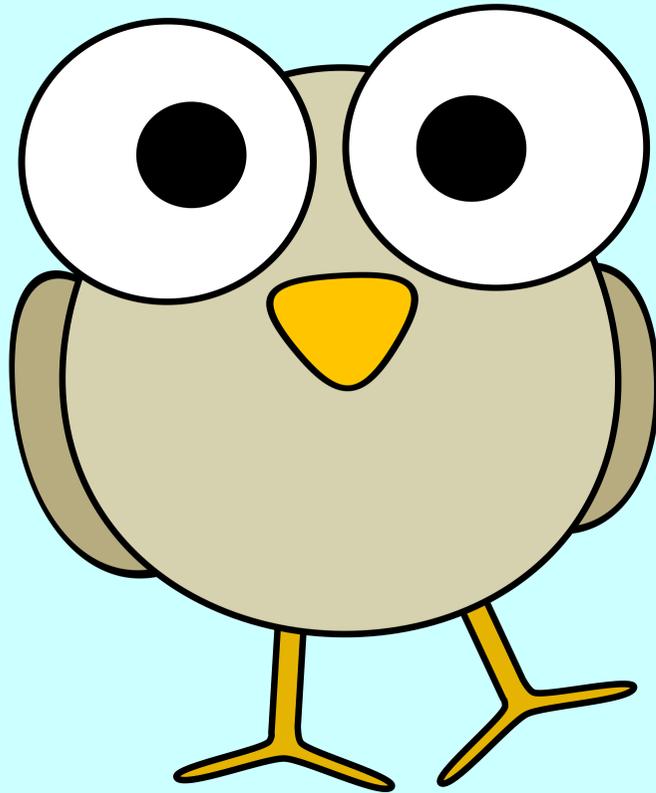
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**John Cade, Institute of Local Government Studies**  
j.cade@bham.ac.uk



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# What's the Purpose of Overview and Scrutiny?



# The National, Regional and Local Context of Overview and Scrutiny

Once upon a time, in a galaxy not so far away, in the last decade of the last century, the Government came up with an idea.....



To change (the words used were “modernise”) the way that local government had historically taken its decisions by abolishing the Committee system and replacing it by a Cabinet/Scrutiny model

## Their single-minded objective:

To put decision making in the hands of a few Councillors, no more than 10, irrespective of the size of the Authority, in the belief that this would improve quality, transparency and accountability.

But what about all those Councillors who are not one of the chosen few?

What is their role?



**Yes:** continue to represent their Ward and residents' local interests

**But:** how contribute to the governance of the Council?

And so the notion of Overview and Scrutiny was developed by Civil Servants, who openly admitted that they had limited understanding of the way local government worked

# Little that Scrutiny cannot look at

Local Government Act 2000:

- Make reports or recommendations on the discharge of any functions which are the responsibility of the Executive
- Review or scrutinise any decisions of the Executive
- Make reports or recommendations on matters which affect the Authority's area or the inhabitants of that area

# But gave to Scrutiny:

- Practically no “powers”
- A scantily recognised role in a Council’s governance arrangements
- No guidance in terms of structures

# So: could have one of two possible responses

- Great: too much Central Government interference already, lack of clarity is to our advantage
- Unfair: expectations are being raised and we are being left rather exposed



# Secretary of State for Communities and Local Government

- In first camp
- “I think it is reasonable that Councils shouldn't use their new found freedom to saddle up the horses, arm their citizens and invade France. Apart from that, the world will be your oyster....”

(LGA Conference 27/07/2010)

The World's your Oyster  
But  
How do you find the Pearl?

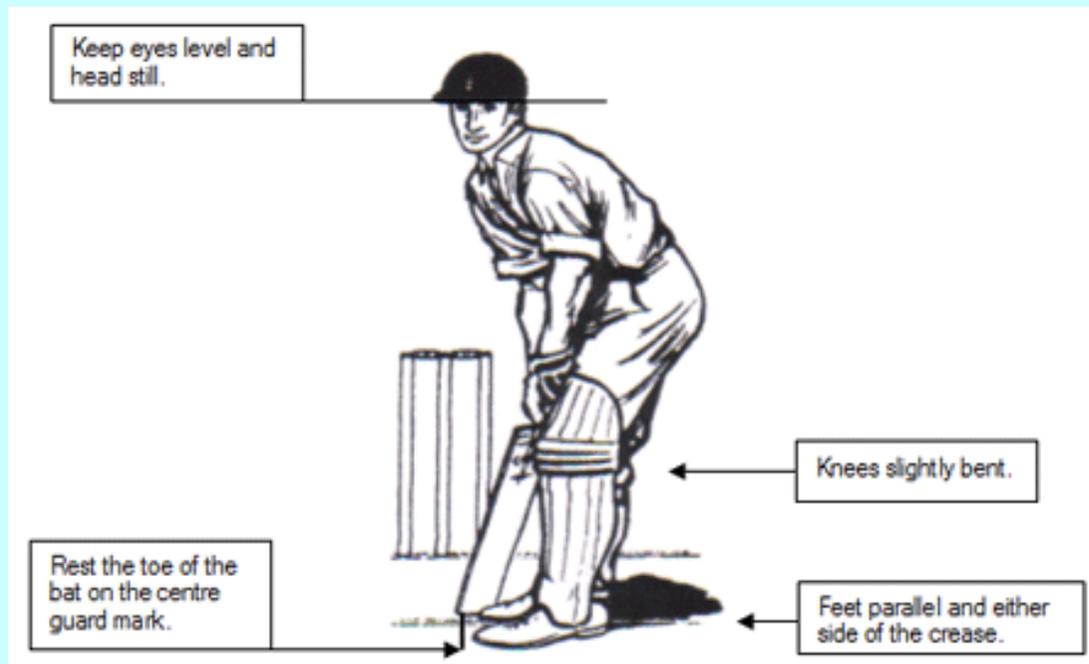


# The 4 Principles of Effective Scrutiny

- Provides ‘critical friend’ challenge to executive policy-makers and decision-makers
- Enables the voice and concerns for the public and its communities to be heard
- Is carried out by ‘independent minded governors’ who lead and own the scrutiny process
- Drives improvement in public services

# The Statutory Three

- Health (Sir Robert Francis QC, Review of Mid-Staffs)
- Crime and Disorder
- Flood and Coastal Protection (Sir Michael Pitt Review)



# Revamped Regional Agenda

- Abolition of Regional Assemblies
- Development of Local Enterprise Partnerships
- Sharing of Services
- Devolution and Combined Authorities

# The Pivotal Place of Overview and Scrutiny in Cornwall's Governance Arrangements

# The Council Meeting



# The Cabinet



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# Regulatory Committees



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# Local (Ward) Committees



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# Overview and Scrutiny



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# The Complete Works



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# What Overview and Scrutiny can do

## Help shape policy:

- Take stock of items coming to Cabinet
- policy reviews
- policy development with Partners

## Hold to account:

- respond to decisions as they are made eg call-ins
- respond to matters of community or local concern eg Councillor Call for Action
- Respond to performance indicators/budget proposals

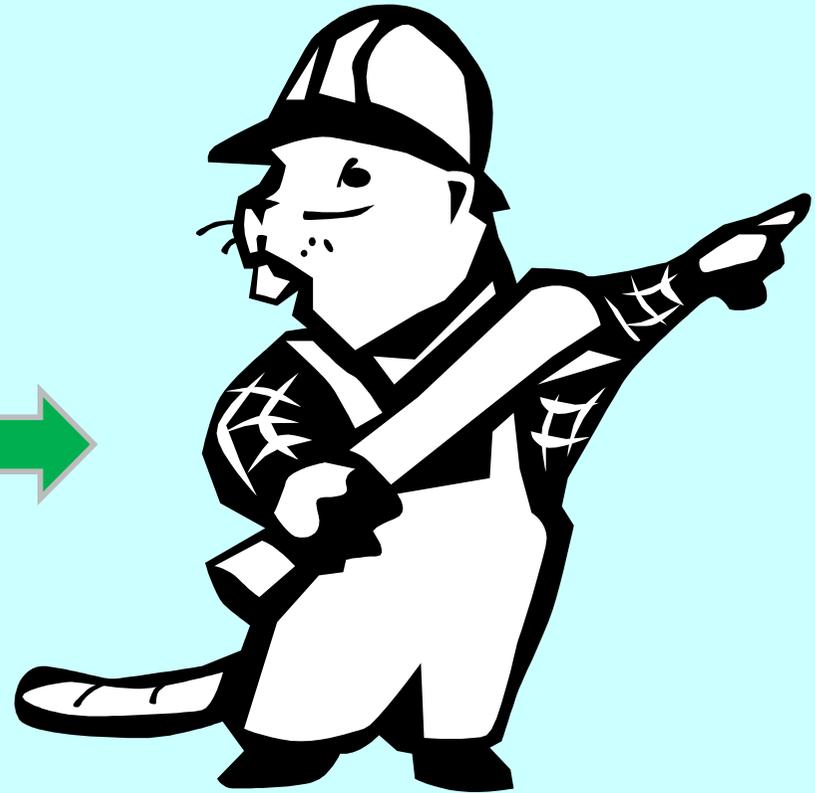
# Help shape Policy Development

- Pro-active as well as re-active
- Experience has shown that the earlier Scrutiny can be involved, the greater the prospect of making an effective and timely contribution
- Once decisions taken, trenches invariably dug
- Importance of Forward Plan

# Hold to Account

- Call – in: can hold up a decision but not change it without Cabinet's agreement
- Respond to patterns of local concern
- Regulations 15 and 16!

# Relationship with Executive



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# Relationship with Partners

- Often overlooked dimension
- Partners often do not understand role of Scrutiny
- Two-way street
- Key to having real impact across local communities

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Relationships and  
Trust Building  
between Scrutiny  
and the Executive

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# Contention:

“P’s” are very important

**BUT**

“R’s” are crucial



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# By “P’s” I mean:

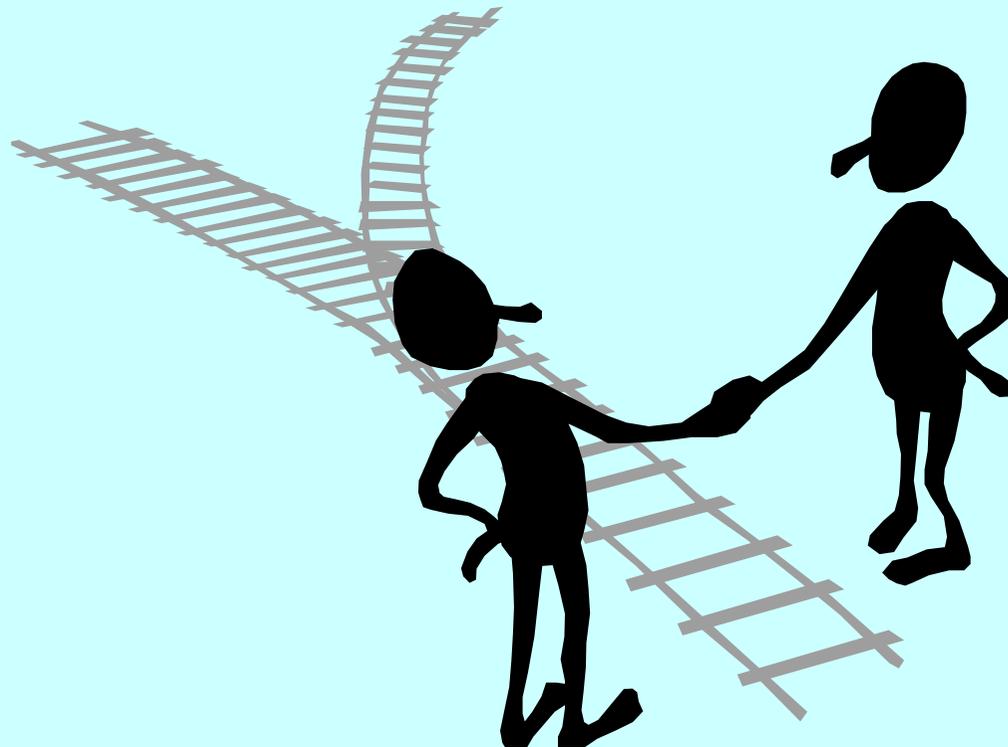
Protocols + Procedures + Precise Plans +  
Practice Notes + all the other 6 “P’s”



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By “R’s” I simply mean:

Relationship, relationship, relationship



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Sometimes, like in our own personal relationships, things just naturally fall into place.

But, usually, again like in our own personal relationships, they need a bit of TLC

So, what I'd like to do, is to suggest 6 ingredients that need to be in the mixture



# Six Prerequisites

1. An organisational culture which is prepared to accept the legitimacy of Scrutiny probing and challenging.
  - Lead given by Leader and Chief Executive
  - Executive Members not too protective and defensive
  - Scrutiny Members to acknowledge time-lines and where accountability resides.
  - Directors to be more open about options.

2. A level of organisational maturity that can accept some criticism and learn lessons

➤ Only want good news

➤ How can a Member of the same Political Group make difficulties for us?

➤ We don't get it right all the time.

### 3. Early involvement by Scrutiny

- Pro-active as well as Re-active
- As much about Overview as Scrutiny
- Experience has shown that the earlier Scrutiny is involved, the greater the prospect of making an effective and timely contribution
- Once decisions taken, trenches invariably dug

## 4. Scrutiny needs its own identity

- Not just an appendage to the Executive
- Need to set own agenda
- Need to have a good Corporate Forward Plan
- Not just there to note reports.

## 5. Scrutiny needs to adopt a responsible approach and not just be about point scoring

- Need to be clear about work programme/priorities
- SMART (specific, measurable, achievable, realistic, timed) recommendations
- Be time aware

## 6. Appropriate Resourcing and Support

- Real issue at the moment
- Capacity
- Relationship with other Council Officers
- Quality rather than Quantity - scatter gun approach usually unsuccessful

# Making a Success of Scrutiny

# The Scrutiny Work Programme

Effective work programming is the bedrock of an effective Scrutiny function.

- Done well, it can help lay the foundation for targeted, incisive and timely work on issues of local importance where Scrutiny can add real value.
- Done badly, Scrutiny can end up wasting time and resources on issues where the impact of any work is likely to be minimal.

# Composition of Work Programme

- Strategic
- Not bite off more than can chew
- Be clear on capacity



# The Balance between taking stock of items coming to Cabinet and doing some Review Work

A thought:

If having whole day meetings use part to look at selected items en route to Cabinet and part review work

# So: How do you select the right topics for review?

- So thinking back to “The World’s your Oyster, but how do you find the Pearl?”; how do you select the most appropriate topics?



**Public interest:** concerns of local people should influence the issues chosen

**Ability to change:** priority should be given to issues that the Cttee can realistically influence

**Performance:** priority should be given to areas in which the Council and Partners are not performing well

**Extent:** priority should be given to issues that are relevant to all or a large part of the District

**Replication:** work programme must take account of what else is happening to avoid duplication or wasted effort

# Four key issues

- What are the core questions the review is seeking to answer? (no more than 3)
- What is the purpose of the Review? (in one sentence)
- What will not be included?
- What is the timescale?

# Do some criteria need to be given more weight than others?

- All animals are equal but some are more equal than others.
- Are poorly performing Services higher candidates for attention?



# How far off piste do we go?

- Some flexibility and manoeuvrability inevitable and appropriate.
- Follow where the evidence takes you.
- But off piste analogy used because you can go over the edge or be caught in an avalanche.
- Usual casualty is the time scale.



# Thinking Ahead

- As you take evidence you need to be thinking of how this might/might not fit in with the emerging broad conclusions.
- Make sure you finish reviews – don't let them drag on and on.
- Let Officers suggest draft recommendations but they must be owned by Committee Members.

# Report Writing

- This is a special skill
- Reports need to be short and to the point.
- The reports may be better than the questioning that led up to them; but no embellishments
- No need to report on everything said – reports are not minutes
- SMART recommendations

# Tracking

- No point having a well-evidenced and well received report with agreed recommendations if it then “collects dust on the shelf”.
- Essential to track implementation of recommendations.
- Hold Cabinet Member to account

# Questioning and Listening Skills

# The Meeting

- Most visible aspect of your enquiry
- Fortune: Significantly dependent on what's gone on before
- Need for good preparation
  - “Fail to plan, you plan to fail”

# Some immediate prerequisites

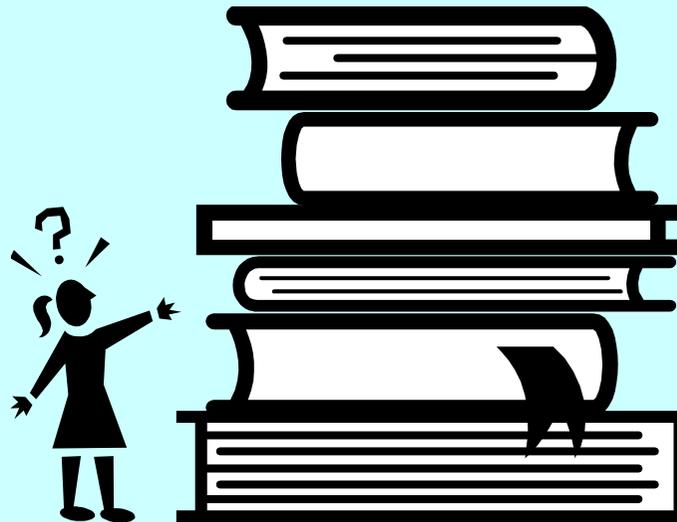
Before we reach the questioning stage it is first important to try to get certain things in place.



# 1. The report on which the questions will be asked

- Have you received it in sufficient time to read it and identify any questions you might want to ask?
- The Officer's role is not to regurgitate the report at the meeting but rather to be available to answer/clarify Members' issues.

- Is the report in a form which is reasonably digestible?
- You don't want a "War and Peace" novel but rather a succinct coverage of the pertinent issues.

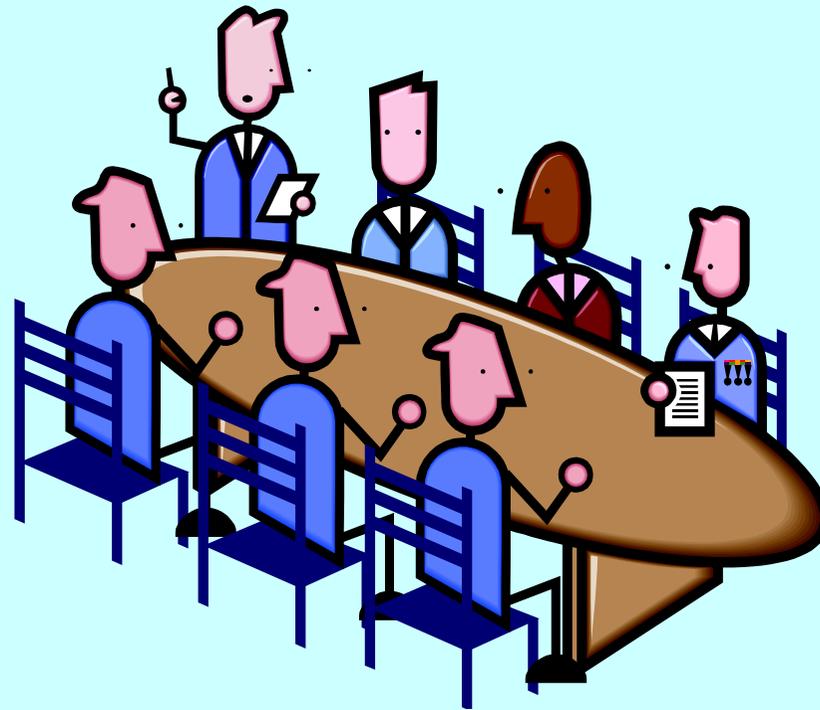


## 2. The Witnesses

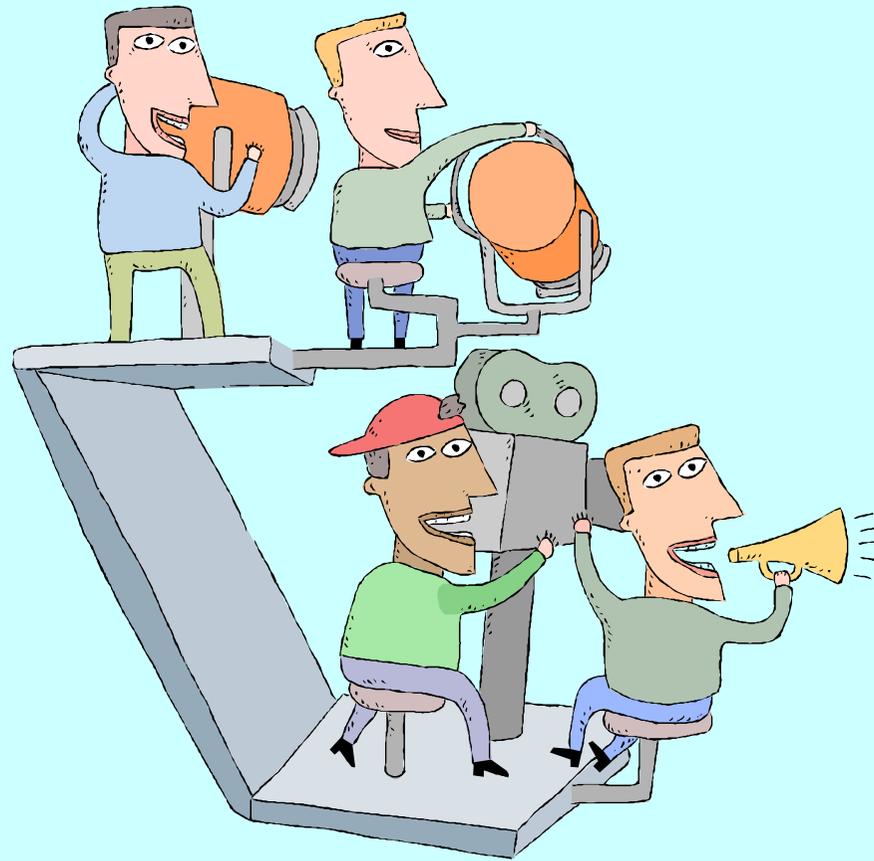
- Have you asked the right people to attend?
- Is it better to have all the witnesses together or hear from them separately?
- Do they know what is expected of them?

# 3. Room Layout

- How you set up the meeting room conveys an immediate impression.



# Overall: the choreography matters



# Questioning Skills – What makes for “good” and “bad” questioning?



# A. Open Questions

- Open questions have the greatest potential.
- An open question is one that requires a response that cannot be answered with one or two words.
- In general, open questions start with “what”, “how” or “why”.
- Open questions encourage a person to talk and open up.
- This is usually good at the early stage of asking questions.

# Some Examples:

- What was your role in the project?
- What do you consider is best about..... (eg the Service)?
- How did the various Partners work together?
- How did you decide which aspects to delegate?
- Why do you think the problem arose?

## B. Probing Questions

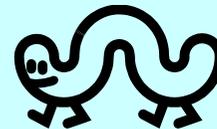
- Follow up responses to get more clarity.
- Helps get beyond superficial or rehearsed answers.
- Uses the answer received for one question as the basis for taking the discussion further with the next question.

# Some Examples:

- You say that you did ....., can you give me a specific example of how you carried that out?
- I was interested to hear you say ....., can you tell me a bit more about that?

## C. Closed Questions

- A closed question is one that only requires a one or two word answer.
- Closed questions are most useful when seeking to draw a conversation to a close.
- You can use a closed question to limit the amount of wriggle room

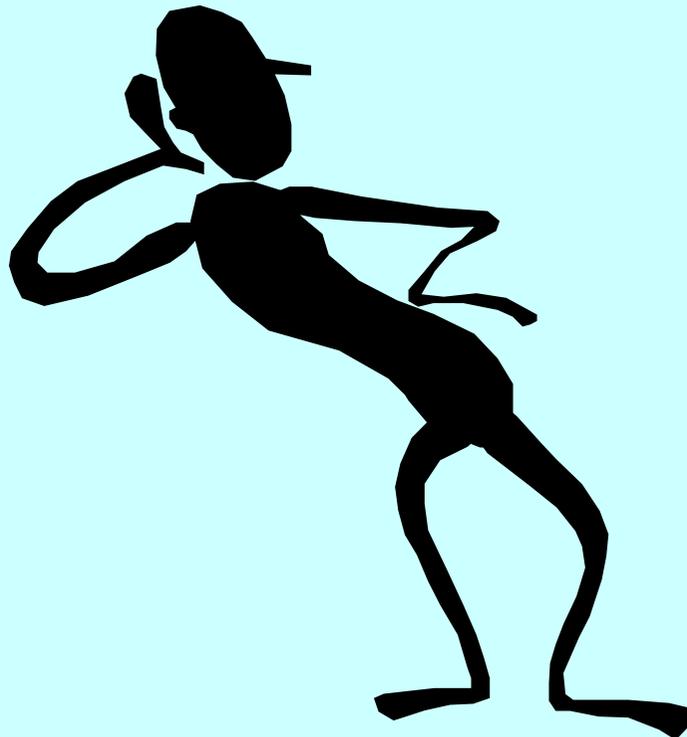


# Some Examples:

- Are you still sure that that was the right thing to do?
- Are you satisfied that your consultation was thorough enough?

## D. Summarising/Reflective Questions

- Shows attention and effective listening.
- Means of ensuring common understanding.



# Some Examples:

- So am I right in understanding that you thought that .....?
- Thank you for those comments.....I just need to make sure.....?

## E. Leading Questions

- “Leading the witness” is widely disapproved of in court.
- A leading question is one that can consciously, or unconsciously, influence a response and could give a biased answer.

# Example

- Group 1 was asked how fast the cars were going when they **SMASHED** into each other.
- Group 2 was asked how fast the cars were going when they **HIT** each other.
- Group 3 was asked how fast the cars were going when they made **CONTACT**.



- SMASH: 44mph
- HIT: 35mph
- CONTACT: 30mph
- So, just changing the way the question was asked influenced how fast each group perceived the cars to be travelling.

## F. Multiple or Very Long Questions

- Offer witnesses an easy strategy to defend themselves by simply selecting the part of the question they are comfortable answering while ignoring the rest.



# Example

- When it was decided that the proposed new road needed to be taken into consideration, why do you believe this had not been done before, whose decision was it to include it and what difference do you now think its inclusion has made?

# G. Discriminatory or Offensive Questions

- Questions that run counter to equal opportunity considerations.
- Questions that seek to introduce a power relationship.



# Some Examples:

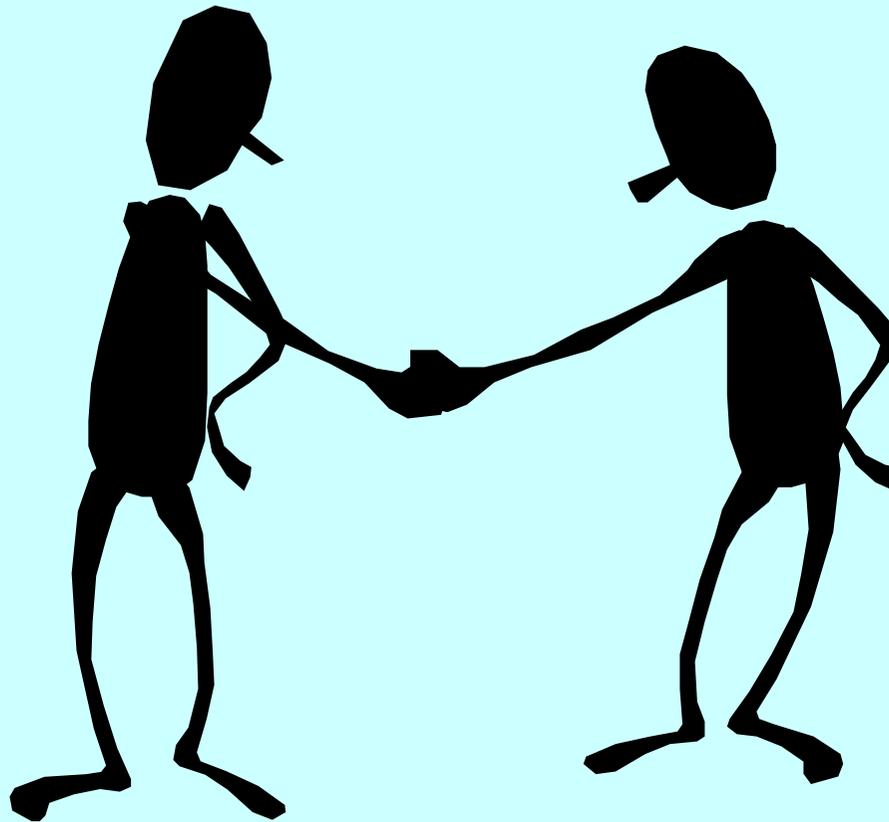
- Being the age you are, can you recognise how this..... might affect younger people?
- Being a woman, I wouldn't necessarily expect you to understand this but.....?
- Do you fully appreciate what I can do to make things difficult for you?

## H. “Killer” Questions

- Whilst there might be some basic attraction in “catching someone out” – will it really achieve your purpose?
- Certainly it will generally undermine witnesses’ subsequent approach to Overview and Scrutiny.
- Prefer “the clincher question”

# Questioning Approaches

## How to Build Trust



# Different “Strategies”

- Meet in advance to agree who will take the lead on different lines of enquiry eg Parliamentary Select Committees.
- Ask Officers to suggest some lines of enquiry (not questions which are circulated to Members in advance).

- Provide witnesses in advance with the lines of enquiry/questions they will be expected to answer.
  
- Take it as it comes.

# Open Wide and Close In

- Start with questions that are as open as possible.
- Do in as friendly and encouraging way as possible.
- “Do to others as you would want to be done to yourself.”
- Objective is to get the witness to tell you as much as possible.

# Listen for Avoidance Words

- One way people deal with difficult questions is to use words and phrases which duck the question or avoid answering it fully.
- eg: We are considering ....., We plan to .....
- This avoids mentioning the time frame and who will be responsible.

- Need to ask witnesses to be more specific
- eg: When are you proposing to consider this?, When will this be undertaken?



# Listen for Doubt

- Some people will say something because they believe it is what is expected of them or they don't want to expose the whole story.
- In doing so they will often betray the doubt they feel.
- Words like “are you sure about that?”, “are you convinced that that is the case?” can be good follow-ups.

- But know where to draw the line.
- An extended silence on the part of the panel can be more powerful (and less humiliating) than pressing for a direct and self-incriminating admission.

# Be Reasonably Indulgent (but not smarmy)

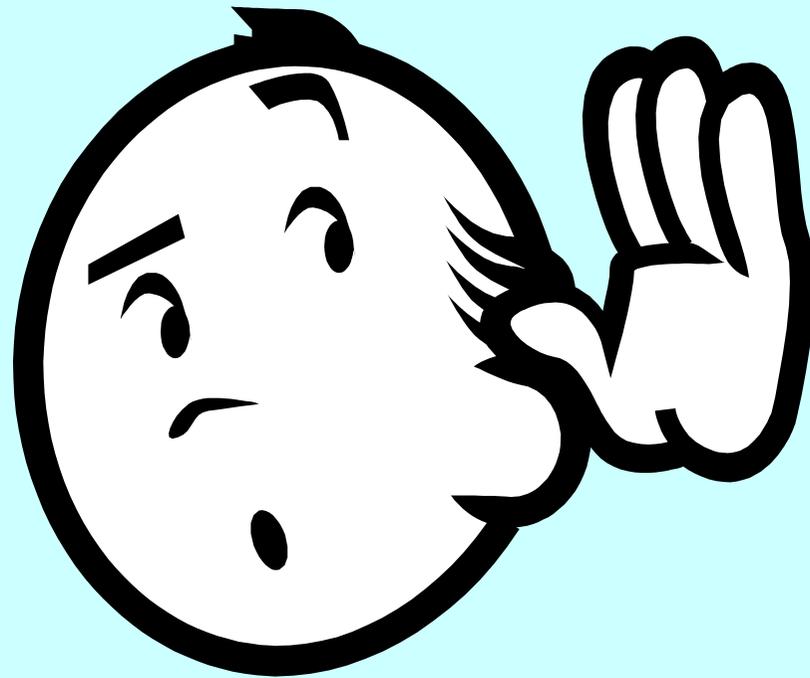
- Some flattery can work and is often disarming.
- eg You know I do recognise how hard your job is, I cannot imagine myself coping with it
- Disarming techniques will often open up witnesses keen to close down certain areas.

# Time Management

- Recognise that, with other matters to be considered, there is a time-frame for hearing from the witness.
- Need to ensure that all Members have an appropriate opportunity to ask a question (and also, as appropriate, to follow it up).



# Listening



# My Nan's words of wisdom

“John, you have two eyes, two ears and one mouth, use them in that proportion.”



# Levels of Listening

- Ignoring – not listening at all and making this obvious
- Pretending – not really listening but trying to look as if you are
- Selective – listening to only those parts you want to
- Active – paying close attention and thinking how you might respond

# Active Listening Entails:

- Looking attentive – “body language”
- Giving encouragement – verbal and facial
- Keeping an open mind – not jumping to conclusions or over-reacting to initial responses

- Checking it out – if in doubt making sure have properly understood what has been said
- Listening “between the lines” – not only listening to the words but the way they are said.

# Some Questioning Pitfalls

- I. Making comments rather than asking questions.
- II. Asking questions not connected with the issue being considered.
- III. Being over aggressive or too smarmy
- IV. Abandoning questions in the face of vague answers

- V. Failure to pursue a fruitful line of questioning
- VI. Forgetting the time-frame
- VII. Ignoring any prior agreement on lines of questioning.
- VIII. Introducing local issues marginal to the main matter in hand.

# In Sum: Four Key Strands

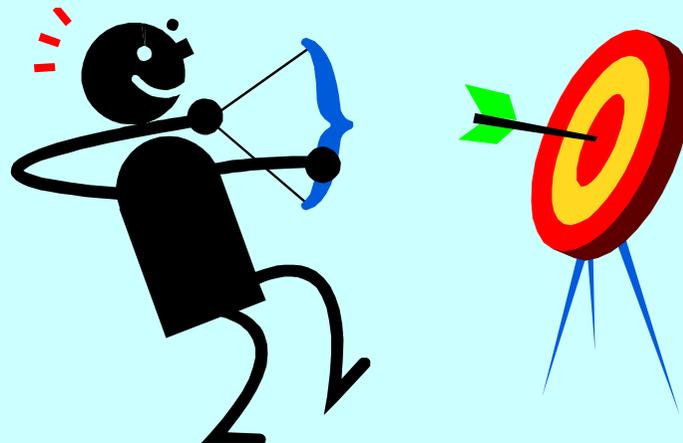
- Relationship, relationship, relationship  
Good structures, procedures, protocols  
important **BUT**.....
- Proactive rather than reactive  
Hold to account **BUT** most effective  
opportunity for adding value is early  
involvement

➤ Clear Scoping

The World's your Oyster **BUT** the pearl isn't found by chance or automatically

➤ Quality rather than Quantity

Scatter gun might hit a target **BUT** much, much better to focus energy and capacity on particular and specified objectives



# Issues/Questions

