



Promoting Pride
in
Our Communities

SCRUTINY HANDBOOK
Second edition
Updated 2007

Foreword

Since July 2004, South Kesteven District Council has been operating revised political structures and management arrangements. The Executive makes day-to-day decisions within a policy and budget framework agreed by full Council and the Development and Scrutiny Panels (DSPs) have a broad monitoring function.

DSPs review Council policy and performance and monitor Executive decisions. They make recommendations on service delivery, set up working groups or panels to conduct in depth scrutiny of selected aspects of the Council's work and can call in Executive decisions. Details of all these roles are to be found within this scrutiny guide.

The DSPs are working to establish a dialogue with all Members, Council staff, residents and local organisations. To fulfil their role the DSPs need to engage with all sections of the community and work openly and objectively to demonstrate that they are an effective watchdog that has the will and the ability to hold the Executive to account.

Since the DSPs were established, the Council has been undergoing a steep learning curve. We have had to establish, modify and review our practice, the process of scrutiny and the way of identifying the topics for consideration.

The Council had previously, through its policy development committees, a limited experience of conducting formal scrutiny, so the process has been relatively new to all of us – councillors, officers, local organisations and residents. This handbook draws upon the experiences of the past two years.

This handbook is, therefore, a set of guidelines rather than a rigid prescription of how to carry out scrutiny. The aim is to ensure that there is a broad consistency of approach and achievement of high standards in carrying out overview and scrutiny work. This handbook is regularly updated and amended to reflect new experiences and understandings of how to achieve these goals. I and my colleagues in the Scrutiny Team welcome feedback on how scrutiny is developing and suggestions for changes or additions to this guide. This will help us all to develop good practice.

Paul Morrison
Scrutiny Officer

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Scrutiny Explained

What is Scrutiny?

Overview and Scrutiny is crucial to the Government's Modernising Agenda for local councils. The role of Scrutiny in South Kesteven is to help develop policy, to improve the performance of the Council and to look in detail at decisions to make sure Council policy is being carried out and powers are being used wisely. Scrutiny should act as a critical friend to the Executive and the Council, standing back from day-to-day decision making to look at outcomes for the people of South Kesteven and contribute to improved council performance. Scrutiny is based on the model of parliamentary select committees at Westminster and is one of the most significant ways in which the non-executive councillor can contribute to the direction of the Council and act as a community leader for the people of South Kesteven.

Who can be scrutinised?

A lot of people think that scrutiny is only confined to Cabinet and Executive Member decisions. That is not the case, any Council decision and indeed any aspect of the Council can be **scrutinised**, this includes decisions of Full Council and regulatory committees and delegated officer decisions. But the only decisions that can actually be **called –in** are Cabinet and Executive Member decisions and any officer key decisions.

For a more detailed explanation of call-in, see below.

Scrutiny and the Outside World

Scrutiny's work does not just lie within the Council; under Part 1 of the Local Government Act 2000, Councils were given the power to do "anything they consider likely to promote or improve the economic, social or environmental well being of the area". This allows scrutiny to consider the actions of other organisations operating within South Kesteven and ask them to explain their activities.

The Health and Social Care Act gave further powers to county and unitary councils to scrutinise health services within South Kesteven. Within SKDC this is Lincolnshire County Council but scrutiny of certain health services within the district was carried out by the Council's Communications and Engagement Development and Scrutiny Panel (DSP) during 2004/5 and has been continued by our Healthy Environment DSP.

The Role of Scrutiny

- To provide “critical friend” challenge to the Executive as well as external authorities and agencies
- To reflect the voice and concerns of the public and its communities
- Scrutiny Members should take the lead and own the Scrutiny Process on behalf of the public
- Scrutiny should make an impact on the delivery of public services

Development and Scrutiny Panels

Making DSPs Effective

Introduction

Developing effective arrangements for scrutiny has been one of the most challenging tasks for the Council. It is a real opportunity for members to undertake investigative and deliberative scrutiny and reviews of policy that will contribute to the Council's policy framework. Reviews might well examine how well a policy has been implemented and if the desired outcomes have been achieved. Such reviews may well focus on oral hearings and written evidence whilst others may include workshops, seminars, public meetings, focus groups and the commissioning of specific research.

The process for gathering evidence will vary depending on the subject under review. Although the work will share certain characteristics with traditional committee procedures there are significant differences. The standard "committee" approach is for members to receive an officer written report that outlines the issues and offers ready made recommendations. Development and Scrutiny work is different in that it should be centred on finding solutions by weighing up all the evidence. This can come from several sources and Members will only get reports, data or oral submissions from individuals, when requested, as part of the review process. The process is not concerned with decision making (ie no committee style decision is taken) but is an investigative process similar to the Select Committees in Parliament.

The key to a successful outcome for this type of work is good organisation and a clear focus on the skills needed to make the process effective.

The Process

In a traditional committee meeting there was little time for an in-depth analysis of specific issues by Members, although some significant issues were discussed and debated. Scrutiny demands more detailed consideration; this can be achieved by the whole Panel, but is more likely to be effective if it is done by setting up single issue working groups which operate on a "task and finish" basis.

Such working groups are a useful way of taking forward specific issues and require a range of skills that would not normally be called upon in a traditional committee meeting. These will include

Asking relevant questions/seeking necessary information

Diagnosing why certain things happen and the reasons behind them

Summarising – bring together a considerable amount of information reflecting back to others the points to check understanding

Concluding what has to be done in order to solve problems or improve on current practice and making appropriate recommendations

Monitoring the outcome

Further details on skills to support effective scrutiny are provided in the chapter on Scrutiny Techniques

In short

- Scrutiny should be member led
- Any conclusions must be backed up by evidence
- Meetings should adopt an inquisitorial rather than adversarial style of traditional local government committees.

"Overview and Scrutiny is potentially the most powerful and exciting element of the entire local government modernisation process. It places non-executive members at the heart of policy-making and at the heart of the way in which councils respond to the demands of modernisation".

The Development of Overview and Scrutiny in Local Government, ODPM,
September 2002

Terms of Reference

ECONOMIC DSP

Chairman:
Councillor John Nicholson

Vice Chairman:
Councillor Mike Williams

Remit of the Panel:

Public conveniences
Street furniture
Car parks
Conservation
Markets
Tourism
Industrial Estates
Miscellaneous property
Economic development grants and assistance
All planning services and policies
Town centre development and partnerships
Industrial Development
Agriculture and the rural economy
Liaison with SSPs and TCMPs

COMMUNITY DSP

Chairman:
Councillor Peter Martin-Mayhew

Vice Chairman:
Councillor Mrs Judy Smith

Remit of the Panel:

Crime and disorder
CCTV
Emergency planning
Watercourse and dykes
Flood prevention
Housing management
Private Housing
Licensing
Occupational health and safety
Care services
HRA management
Enabling the provision of affordable housing
Homelessness
Housing repairs
Property maintenance
Home safety
Energy advice
Building control
Footway lighting and maintenance
Sustainable rural communities
Police service liaison

ENGAGEMENT DSP

Chairman:
Councillor Mike Taylor

Vice Chairman:
Councillor Mano Nadarajah

Remit of the Panel:

E Government and ICT
Customer service and modernisation
Communications and Consultation
Local Area Assemblies
Youth engagement and local liaison (YELLS)
Elections
Democratic representation
Register of electors
Freedom of information
Data protection
Printing
Dial-a-ride
Public transport initiatives and concessions
Bus stations
Vehicle management
Courier service
Access to services for rural communities
Community strategy
Local strategic partnerships
Annual stakeholder conference
East Midlands Regional Assembly
Lincolnshire Local Government Association
Welland partnership
Shared service partnerships

RESOURCES DSP

Chairman:
Councillor John Kirkman

Vice Chairman:
Councillor Reg Lovelock

Remit of the Panel:

Council tax collection
Non-domestic rates
Audit and accountability
Special expense areas
Grants and subscriptions
Risk management
Finance and accountancy
Budget preparation and council tax
Procurement
Liaison with ODPM on resources
Human resources, Training and development
Community leadership
Organisational development
Performance Management
CPA and Best Value Reviews
Scrutiny arrangements
Members induction and development programme

HEALTHY ENVIRONMENT DSP

Chairman:

Councillor Jeff Thompson

Vice Chairman:

Councillor Nick Craft

Remit of the Panel:

Arts centres and development

Community centres

Fairs

Leisure Centres

Parks, gardens, and recreation grounds

Playing fields and play areas

Grass cutting and grounds maintenance

Sports development

Health promotion

Food safety

Noise and pollution control

Contaminated land

Water supplies

Waste management

Street sweeping and litterbins

Recycling

Closed burial grounds

Burial of the destitute

Infectious diseases

Graffiti removal

Dog fouling

Animal health and control

Pest control

Rural environment

Health services liaison

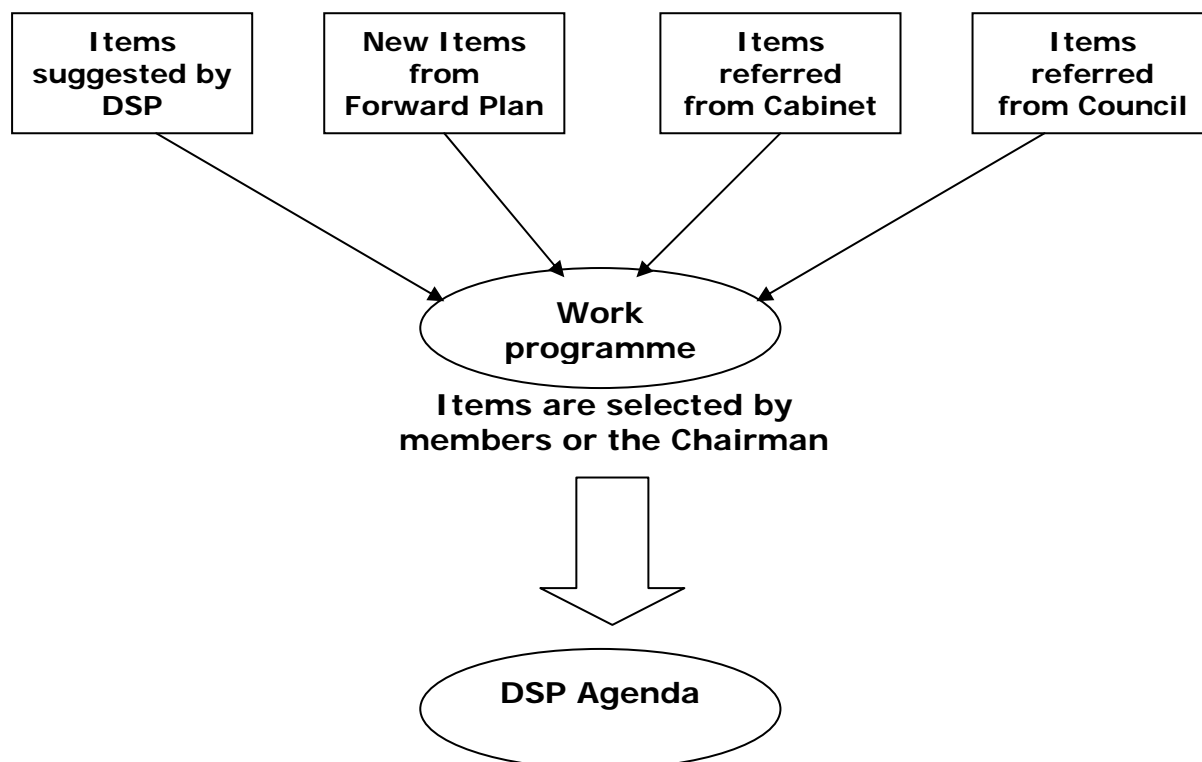
Environment Agency liaison

Planning the Work of Scrutiny

It is vitally important that the work of DSPs is well planned and co-ordinated. Mainly, panels need to filter potential items of work, to be selective and to **prioritise**. Panels should not be over ambitious when setting their work programme. Time and resources are limited and some capacity should always be left for any issues that may arise at short notice.

The Work Programme

At each scheduled DSP meeting, members update the work programme. They do this by including new items from the Forward Plan or those referred from Cabinet or Council and other issues raised by members. Members of the Panel are then required to bring forward items from the programme onto meeting agendas:



Selecting Items for the Agenda

Members of the DSP must be proactive in identifying items they wish to include on panel agendas. Officers will not choose them for you! If you would like an item to be included on a future agenda, either request this at an earlier meeting of the Panel or contact the DSP Chairman or the Scrutiny Officer at least three weeks before the date of the meeting. It is worthwhile noting that the Local Government Act provides that *any* DSP

Issues to consider when deciding whether or not to bring forward an item from the work programme:

- Will this topic add value to and support the corporate priorities and vision?
- Can the scrutiny work be successfully delivered within available resources?
- Is the topic of concern to the public?
- Will scrutiny of this topic lead to increased value for money?
- Is there imminent new government guidance or legislation?
- Is the service meeting all the relevant performance indicators?
- Are there customer satisfaction issues?

Scrutiny Panels should focus on **strategic issues**. It is important that ward or minor operational issues do not dominate the work of scrutiny. Such issues should be pursued through other channels as explained during your general Councillor induction.

Not to be Selected for Scrutiny

An item should not be included in the work of a DSP if:

- It is or has just been the subject of a scrutiny review.
- The issue will be addressed as part of a Best Value Review within the next year.
- It is subject to an imminent external inspection.

Scrutiny Chairs and Vice-Chairs – Job Description

SECTION	DESIGNATION	REF	DATE
Council	Chairperson Development & Scrutiny Panel		
PURPOSE OF JOB To lead the panel and ensure that it fulfils its responsibilities for policy development and review and scrutiny	RESPONSIBLE TO South Kesteven District Council and the local people	TYPE OF CONTRACT	
GROUP RELATIONSHIPS Reports to the Leader	LOCATION/PHYSICAL ENVIRONMENT Council Offices, Grantham or any location in the District as required		
HOURS OF WORK As required			
ECONOMIC CONDITIONS This post attracts a special responsibility allowance as per the current Members allowance scheme.		POLITICALLY RESTRICTED POST N/A	
DUTIES: The activities described on the following page may be varied from time to time to meet the needs of the service. The portfolio holder may be required to undertake any other relevant duties by the Council.			

NO	OBJECTIVE	NO	DUTIES
1.	Provide Leadership & direction	1.1	Champion the panel inside and outside the Council
		1.2	To represent the panel at meetings with the cabinet or other agencies
		1.3	Ensure that work of the panel is constructive and adds value to the Council and the community
		1.4	<p>To chair meetings for the panel that:</p> <ul style="list-style-type: none"> • Enable all members of the panel to contribute. • Follow a prioritised work programme. • Ensure all meetings achieve outcomes based on sound evidence
2.	Ensure compliance with the constitution and any rules, regulations that are in place	2.1	Ensures meetings take place in accordance with those set at the annual general meeting and at any other time as required by the work
		2.2	Liaise with the scrutiny officer to ensure that agendas are sent out to panel members informing them of the business to be addressed at each meeting
		2.3	Manage any finances made available to the panel in order to perform their scrutiny function
		2.4	Make the annual report to full Council on the workings of their DSP, making recommendations for future work programmes, and amended working methods if appropriate.
		2.5	Request full Council to approve the cooption of members as required for a limited time or for specific purposes
		2.6	Report back to the panel any decisions that the Ch & vice chair have taken as a matter of urgency. Such decisions to be taken in consultation with the Chief officer or service managers.

<p>3. Attend the Cabinet and Scrutiny Liaison group to coordinate work plans and share learning</p>	<p>3.1</p>	<p>Attend any meetings held to plan the business of the panel</p>
	<p>3.2</p>	<p>Contribute to the Liaison group to improve effectiveness of the scrutiny process and to Co-ordinate work plans</p>
	<p>3.3</p>	<p>Keep up to date on national & local issues and consider impact on work programme</p>
	<p>3.4</p>	<p>Ensure familiarity with the change management plan and how the work of the panel relates to it</p>
<p>4. Lead and manage a member led work programme</p>	<p>4.1</p>	<p>Ensure that the work programme is developed from input from panel members, the Cabinet and Scrutiny Liaison group and Officers,</p>
	<p>4.2</p>	<p>Manage a prioritised and feasible work programme.</p>
<p>5. Maintain integrity of policy development & review process</p>	<p>5.1</p>	<p>Monitor the effect of national legislation on the Council</p>
	<p>5.2</p>	<p>Lead and manage investigations, research of proposals and topical issues & consultations making best use of panel members as well as specialist expertise inside and external to the Council</p>
	<p>5.3</p>	<p>Consider and implement mechanisms to encourage and enhance community participation in the development of policy options</p>
	<p>5.4</p>	<p>Lead targeted reviews of existing policies & the development of new policies</p>
	<p>6.1</p>	<p>Promote scrutiny function</p>
	<p>6.2</p>	<p>Hold Executive to account in respect of their actions in carrying out Council policy</p>
	<p>6.3</p>	<p>Lead investigations into the basis on which decisions are taken and ensure they are consistent with Council Policy</p>
	<p>6.4</p>	<p>Ensure panel Monitors the Councils decision making process</p>

	6.5	Oversee call ins
	6.6	Ensure panel monitor the council's performance
	6.7	Lead Scrutiny of external reports on council performance
	6.8	Lead timetable of investigations, selection of witnesses and writing of scrutiny report
	6.9	Ensure panel Investigates the quality of service provided
	6.10	Lead &/ or participate constructively in any short life task groups
	6.11	Ensure regular contact with non-executive members, community representatives, local stakeholders, & public to inform the effective scrutiny of Council policies, strategies, budgets and performance
7. Ensure panel members access relevant & timely training and development	7.1	Identify training and development needs that apply to the panel as a whole, and take action to address issues
	7.2	Identify training and development needs that apply to individual panel members and take action to enable them to access the appropriate support.

Call in

A brief guide

Introduction

The Local Government Act 2000 introduced, for the first time, the power for individual members of the Executive to make decisions on their own. Previously councillors had only been able to make a decision when meeting collectively as the Full Council or in a committee. In order to balance these new powers, and that of the Cabinet collectively, mandatory scrutiny arrangements were introduced, which includes the power to “call-in” executive decisions. Underpinning the whole system is ethical standards which was introduced by Part 111 of the 2000 Act.

However in introducing these call-in powers the Government intended that they should only be used in exceptional circumstances and not maliciously, vexatiously or for political point scoring.

How the call-in system operates

All Key decisions that the Cabinet, or an individual Cabinet Member (known as a Portfolio holder) intends to take must be published in the Council’s Forward Plan. Once the decision has been taken, this must also be published within two working days of the decision being made.

The definition of what is a key decision is a matter for the Council to decide. At South Kesteven it is defined as an executive decision which will result in “significant” expenditure or savings to the Council or a decision that will affect two or more wards.

Non key executive decisions may also be called in by the relevant DSP. Decisions of regulatory committees and full Council cannot be called in, but these may still be scrutinised by a DSP if there is concern about a particular issue.

Once an executive decision has been made and published it is implemented and comes into force after five working days have elapsed, unless a valid call-in request form is received. A valid form must be signed by either five members of the Council (from any political group) or the Chairman of the relevant DSP. A call-in request form is at Appendix A. No member may sign more than three requests for a sanctioned call-in and no DSP may call-in more than 6 decisions in any one municipal year. A schedule of call-ins is at Appendix B.

Once a form has been received, the proper officer must rule on whether it is valid, if it is valid then the meeting must be called as soon as possible.

Call-in Meeting Protocol

- 1) The Chairman introduces the meeting and welcomes members, witnesses etc. Announces the decision that has been called-in, whether it was made by the Cabinet or an individual Portfolio Holder and explain that it has been called-in either by the relevant DSP Chairman or any five members. If the decision-making body or person or a particular officer has been formally invited to the meeting – say so.
- 2) The Scrutiny Officer or deputy is invited by the Chairman to explain to the panel the following procedure to be undertaken during the meeting and the conclusions available to the panel, which are:
 - Conclude to support the call-in and therefore refer the decision back to the decision making person or body for reconsideration – the nature of the panel’s concerns must be specified in the conclusion;
 - Conclude not to support the call-in and therefore not to refer the decision back – the original decision will therefore take immediate effect
 - Conclude to refer the decision to full Council (only if it is believed the decision is outside the policy framework or budget)
- 3) The Scrutiny Officer or deputy is to advise the panel to wait until all evidence has been heard before coming to a conclusion.
- 4) Those members who called-in the decision are invited by the Chairman to make verbal representations to support their reasons for call-in.
- 5) Panel members are invited by the Chairman to question those members who requested the call-in or to ask for further clarification on their reasons for call-in.
- 6) Panel members are then invited to question the decision-maker (if present) who may also respond on the points raised by the call-in request.
- 7) Panel members are then invited to question officers and other witnesses present.
- 8) Any other member present may be invited to ask questions at the panel’s discretion.
- 9) The Chairman should then make sure everyone has had the opportunity to ask questions.

- 10) The Chairman should then state that the panel has to now consider all the evidence they have heard and discuss the three conclusions available.
- 11) The panel should, ideally, come to a mutual conclusion without the need for a formal vote. If the panel chooses to refer the decision back, the reasons for doing so must be stated. The Executive is unlikely to change its mind about a decision if there is no evidence to support a call-in.

Scrutiny Techniques

14 Steps to Scrutiny Success

Although many of these steps have already been completed at SKDC, it is worth considering these core requirements for success to monitor our progress. Suggested levels of achievement as at 1st July 2005 are below:

1. Discuss and agree a definition of overview and scrutiny	Achieved
2. Select Chairmen and Vice-Chairmen who will give effective leadership to their committees and have comprehensive role descriptions to guide their work	Partly Achieved
3. Ensure that members selected for overview and scrutiny are prepared to make time for scrutiny, are committed to making overview and scrutiny work and have comprehensive role descriptions to guide their work	Partly Achieved
4. Design a structure which fits the purpose of overview and scrutiny, related well to the executive and officers and suits the culture of the authority	Achieved
5. Develop a member-led, realistic, flexible work programme for each committee	Achieved
6. Move away from traditional service committee processes by developing a wider range of activities	Partly Achieved
7. Prioritise a small number of items to investigate in-depth and ensure that these are effectively project managed	Partly Achieved
8. Finish investigations on time and produce member-led reports which concisely summarise the evidence gathered and the recommendations of the committee	Partly Achieved
9. Ensure that there is adequate officer support for overview and scrutiny	Achieved
10. Create a separate budget for overview and scrutiny to fund site visits and other non-meetings based activities; pay the expenses of external witnesses; buy-in external advice and pay for training and development.	Partly Achieved
11. Develop cross-party working, ensuring that no party group applies the whip to overview and scrutiny	Achieved
12. Ensure that the opposition parties have a key role to play by at least allocating some chairs and vice-chairs to the opposition	Partly Achieved
13. Provide a training and development programme for overview and scrutiny members, officers directly supporting overview and scrutiny and any co-optees. Provide awareness training for all other councillors and officers down to middle managers	Achieved
14. Develop and implement a system for continuously monitoring what is working well and what needs improving and undertake a more comprehensive evaluation at least every two to three years (and more frequently in the early stages)	Partly Achieved

Gathering Evidence

It is often said that “scrutiny should be evidence-based”. This is because evidence will support members in each of their scrutiny roles (see page five) by giving **substance** to recommendations. Gathering evidence gives a real opportunity for members to think outside the box and be imaginative. Although DSPs have a Scrutiny Support Officer to undertake research, members are encouraged to undertake their own research either to support items already on a meeting agenda or to present to the Panel as a new item for the work programme. Below are some ideas on sources of evidence and it is suggested that good scrutiny would include a number of different sources for each issue.

Witnesses - These can be officers of the Council, Cabinet members, other members with certain expertise and external witnesses.

Co-optees - These can be appointed short or long-term. Internal or external “experts”, member of public or service user.

Site Visits - These could take place within the organisation to look at service areas, other authorities, organisations or locations relevant to the issue under scrutiny.

Focus Groups & Workshops - These could include a wide range of “witnesses” at an informal session with two way feedback, exploring topics in detail and allowing people to speak who may not normally be so confident in formal meetings.

Legislation, Policies etc. - Reference to government legislation, regional guidance, local policies and strategies of this authority or others.

Surveys - This allows broad or narrow consultation, potential for confidentiality to allow more ‘honest’ evidence. Internal or external use.

Mystery Shoppers - Good method of obtaining service user point of view.

Balancing Inquiry and Advocacy

There is a danger that discussions at meetings can quickly become a spiral of increasing advocacy with both sides moving further into their own opposing positions. Members can get caught in the trap of listening to others only to dismiss their arguments and to reinforce their own point of view. Similarly, when members are in pure inquiry mode, dialogue is replaced with questions and members fail to share their own perspectives. In this case, silence, rather than members' arguments, negates any learning on either side.

The balancing act of inquiry and advocacy is one which, when achieved, will enable members to share their own ideas whilst gaining the best possible information and ideas from other members or witnesses.

To improve inquiry skills:

- Use the skills of active listening.
- Ask others to share the reasoning behind their conclusions.
- Use non-aggressive language to ask your questions.

To improve advocacy skills:

- Make your thinking process visible to others by articulating how you have come to your point of view.
- Encourage others to explore your assumptions and any information you may have obtained.
- Freely acknowledge where you think there might be gaps in your reasoning. This will invite others to participate by helping you resolve these gaps and makes your position appear more open.

An example of achieving this balance is to lay out your reasoning and thinking, and then encourage others to challenge you: "Here is my view and here is how I have arrived at it. How does it sound to you? What makes sense to you and what doesn't? Do you see any ways I can improve it?"

Members should be aware that there are dysfunctional forms of both advocacy and inquiry. For example, in organisations, adroit people can skew the inquiry process by relentless "interrogating," without caring at all for the person being questioned. In the same vein, advocacy can feel like an inquisition if the advocate simply "dictates" his or her point of view, while refusing to make their own reasoning process visible. People who are unwilling to expose their thinking may also "withdraw" into silence, instead of taking the opportunity to learn through observation.

One of the most destructive conversational forms is "politicking," in which there is no overt argument - just a relentless refusal to learn while giving the impression of balancing advocacy and inquiry. Scrutiny should be non-partisan and should embrace cross-party working.

The following protocols for improving the balance between inquiry and advocacy are from *The Fifth Discipline* by Roberts & Ross:

Improved Advocacy

- > Make your thinking process visible

What to do	What to say
State your assumptions, and describe the data that led to them	<i>"Here's what I think and here's how I got there."</i>
Explain your assumptions.	<i>"I assumed that. . ."</i>
Make your reasoning explicit.	<i>"I came to this conclusion because. . ."</i>
Explain the context of your point of view: who will be affected by what you propose, how they will be affected, and why.	
Give examples of what you propose, even if they're hypothetical or metaphorical.	<i>"To get a clear picture of what I'm talking about, imagine the you're a customer who will be affected. . ."</i>
As you speak, try to picture the other people's perspectives on what you are saying.	

- > Publicly test your conclusions and assumptions.

What to do	What to say
Encourage others to explore your model, your assumptions, and your data.	<i>"What do you think about what I just said?" or "Do you see any flaws in my reasoning?" or "What can you add?"</i>
Refrain from defensiveness when your ideas are questioned. If you're advocating something worthwhile, then it will only get stronger by being tested.	
Reveal where you are least clear in your thinking. Rather than making you vulnerable, it defuses the force of advocates who are opposed to you, and invites improvement.	<i>"Here's one aspect which you might help me think through. . ."</i>
Even when advocating, listen, stay open, and encourage others to pr	<i>"Do you see it differently?"</i>

Improved Inquiry

- Ask others to make their thinking process visible.

What to do	What to say
Gently walk others down the ladder of inference and find out what data they are operating from.	<i>"What leads you to conclude that?" "What data do you have for that?" "What causes you to say that?"</i>
Use non-aggressive language, particularly with people who are not familiar with these skills. Ask in a way which does not provoke defensiveness or "lead the witness."	<i>Instead of "What do you mean?" or "What's your proof?" say, "Can you help me understand your thinking here?"</i>
Draw out their reasoning. Find out as much as you can about why they are saying what they're saying.	<i>"What is the significance of that?" "How does this relate to your other concerns?" "Where does your reasoning go next?"</i>
Explain your reasons for inquiring, and how your inquiry relates to your own concerns, hopes, and needs.	<i>"I'm asking you about your assumptions here because. . ."</i>

- Compare your assumptions to theirs.

What to do	What to say
Test what they say by asking for broader contexts, or for examples.	<i>"How would your proposal affect. . .?" "Is this similar to. . .?" "Can you describe a typical example. . .?"</i>
Check your understanding of what they have said.	<i>"Am I correct that you're saying. . .?"</i>
Listen for the new understanding that may emerge. Don't concentrate on preparing to destroy the other person's argument or promote your own agenda.	

Facing a Point of View With Which You Disagree

What to do	What to say
Again, inquire about what has led the person to that view.	<i>"How did you arrive at this view?" "Are you taking into account data that I have not considered?"</i>
Make sure you truly understand the view.	<i>"If I understand you correctly, you're saying that. . ."</i>
Explore, listen, and offer your own view.	<i>"Have you considered. . ."</i>

Listen for the larger meaning that may come out of honest, open sharing of alternative mental models.	
Use your left-hand column as a resource.	<i>"When you say such-and-such, I worry that it means. . ."</i>
Raise your concerns and state what is leading you to have them.	<i>"I have a hard time seeing that, because of this reasoning. . ."</i>

When You're at an Impasse.

What to do	What to say
Embrace the impasse, and tease apart the current thinking. (You may discover that focusing on "data" brings you all down the ladder of inference.)	<i>"What do we know for a fact?"</i> <i>"What do we sense is true, but have no data for yet?"</i> <i>"What don't we know?"</i>
Look for information which will help people move forward.	<i>"What do we agree upon and what do we disagree on?"</i>
Ask if there is any way you might together design an experiment or inquiry which could provide new information.	
Listen to ideas as if for the first time.	
Consider each person's mental model as a piece of a larger puzzle.	<i>"Are we starting from two very different sets of assumptions here? Where do they come from?"</i>
Ask what data or logic might change their views.	<i>"What, then, would have to happen before you would consider the alternative?"</i>
Ask for the group's help in redesigning the situation.	<i>"It feels like we're getting into an impasse and I'm afraid we might walk away without any better understanding. Have you got any ideas that will help us clarify our thinking?"</i>
Don't let the conversation stop with an "agreement to disagree."	<i>"I don't understand the assumptions underlying our disagreement."</i>
Avoid building your "case" when someone else is speaking from a different point of view.	

Types of Questioning

In addition to addressing the balance of advocacy and inquiry, members should be aware of their questioning techniques and their effectiveness.

The Do's

Open Questions

Open questions have the greatest potential. Information is requested in a neutral way and the witness is encouraged to do most of the talking and to expand the points at issue.

These often start with 'how', 'why', 'could you explain...', 'what are your views on...'

It is a good idea to follow up responses to these questions with future probing questions to yield additional clarity.

Probing Questions

This technique, as well as providing clarity, can also be used to strive beyond a superficial or rehearsed answer to the previous question. Remember, DSP meetings are not the same as committee meetings and there are no rules limiting members to how often they can speak.

Probing questions may be 'what is your evidence for that?' or 'how have you arrived at that conclusion?'

Hypothetical Questions

This can be useful in obtaining good evidence, as well as testing possibilities to formulate new ideas and solutions. They can also be valid in testing knowledge.

For example, 'How would you set about changing the Council's strategy on X?'

The Don'ts

Closed Questions

These questions invite only a 'yes/no' answer or seek only basic facts. If over-used, these questions will limit the quality of evidence gained from a witness.

'Do you like our Council magazine?'

'Are you happy with the recycling service?'

Leading Questions

These questions are phrased in such a way that they assume an answer. This technique is poor because it may force the respondent into a false position.

For example, 'I'm sure you were upset about that, weren't you?' or 'Presumably, you agree that this policy will not achieve anything?'

Double-Headed Questions

These ask more than one question at a time and should be avoided as they cause confusion. As a result, only one question is likely to be answered thereby limiting the evidence to be gathered.

Example: 'In your role, is there a responsibility to monitor service performance and how is this communicated throughout the organisation.'

It is better to separate the two questions and indicate to the meeting before hand that you may have more than one question to ask.

Phrasing Questions

Different questions can be used at different stages of an interview or inquiry. These phases are:

1. Exploration
2. Integration
3. Action

1. Exploration

Here, questions should help put the witness at ease, e.g.

'What could the Council do to help you improve your service?'
'Could you tell us a little bit about your general impression as a user of Council services?'

2. Integration

In this phase, questions are used to understand the attitudes, behaviour and views of the witness. Four sub-types of questions are best:

Clarifying – 'How many bedrooms do you have?', 'What do you mean by remediation works?' 'In what way does anti-social behaviour concern you?'

Focussing – 'Let's discuss what's happening at the Youth Centre.'

Redirecting – 'Could we talk about something you mentioned earlier, the commuters' car parking?'

Confronting – 'Earlier you stated that there was no budget. How could you have then agreed to allocate £50,000 to the amenity group?'

3. Solutions

Here questions may help the witness decide what action should be taken.

'How would you like to see the situation resolved?'
'Have you thought about X?'

Holding the Executive to Account

Holding the Executive to account comes in two forms: scrutinising decisions before they are made and scrutinising decisions after they have been implemented. It is vitally important to the success of scrutiny that members adopt a **proactive** rather than reactive approach to this process. This will ensure a good working relationship with Cabinet and Scrutiny Members. It will encourage greater openness and accountability within the decision making process.

Proactive	Reactive
<p>Reading the Forward Plan on a monthly basis and noting items which are pertinent to you as a scrutiny member</p> <p>Such items could be of interest to you because:</p> <ul style="list-style-type: none"> • They relate to an area which is already included in a scrutiny work programme • Scrutiny could add real value to a topic by providing more in-depth policy development or review • You think that there has been insufficient consultation planned prior to the decision being made • You have general questions or wish certain points to be raised <p>If you do identify such an item, there are two courses of action open to you.</p> <p>If the decision is imminent, you should contact the decision-maker to discuss your concerns, in advance of the decision being made.</p> <p>If there is more time, you should discuss this with your DSP Chair to discuss and decide how best to address the issue.</p>	<p>Reactive scrutiny is using the call-in process once a decision has been made.</p> <p>This holds up the decision-making process and diminishes the credibility of scrutiny.</p> <p>Too frequent use of call-in will negate any effectiveness it may have for fundamental key issues.</p> <p>Cabinet may become resistant to sound arguments from scrutiny should call-in requests become vexatious, numerous or political.</p> <p>Call-in, however, does play an important role in scrutiny and can be used effectively if it is supported with sufficient evidence. Remember that scrutiny members are 'critical friends' to the Executive.</p>

Conducting a Scrutiny Review

Introduction

A scrutiny review is a detailed and thorough investigation into a particular issue of concern and each DSP should aim to complete about one or two per year. A scrutiny review will normally conclude with recommendations to the executive based on the considerable amount of evidence obtained. Given the scale of work involved, DSPs may wish to delegate a scrutiny review to a working group comprising three members.

Chesterfield Borough Council has developed a four-stage approach to a scrutiny review, which comprises the following principal stages:

1. Scoping
2. Development
3. Concluding
4. Monitoring

Scoping

The scoping of a scrutiny review is the very first thing that should be undertaken as it focuses members on the aim of the review and helps members and officers plan the work required. Scoping will aim to identify why the review has been chosen and what it hopes to achieve. Terms of reference will also be agreed.

Issues to consider in the early stages of scoping:

- Do we need to commission a consultant?
- How best will we involve the public?
- How does this review align with the Council's priorities and vision?
- What research is required and who will do it?
- Should we co-opt an expert/representative?
- When and where shall we hold meetings?
- What is the best way of collecting each piece of evidence?
- Is an expert witness required?
- Which aspect of the issue should we focus on?
- How shall we publicise the review?

Members undertaking the scrutiny review should complete the following scoping form. This will be supplied at the scoping meeting by the Scrutiny

SCRUTINY REVIEW SCOPING TEMPLATE

Name of Review			
Lead DSP			
Review Members			
Review Lead Member			
Portfolio Holder			
Scrutiny Support Officer			
Key Issues and Reasons for the Review <i>(include priority alignment)</i>			
Objectives of Review <i>(what should be achieved)</i>			
Indicators of Success <i>(what factors should be present)</i>			
Lines of Enquiry <i>(approach to be undertaken)</i>			
Witnesses/ Experts/Co-optees <i>(Who, when and for what?)</i>			
Documents <i>(Which documents to examine – internal or external)</i>			
Site Visits <i>(Where, when and why?)</i>			
Evidence sources for views of stakeholders			
Publicity Requirements			
Specific resources requirements			
Barriers/ dangers/ risks			
Start date		Draft Report Deadline to DSP	
Meeting dates		Projected	

Development

After scoping, it is time to get on with the bulk of the work. This stage should be as **innovative** and **inclusive** as possible. Remember that one of the key roles for scrutiny is to reflect and voice the concerns of the public. To do this accurately and effectively, the scrutiny review must engage with the public and actively encourage community involvement. Members are encouraged to take a much more flexible approach to meetings. Informality is also much more relevant and appropriate.

Refer to the section on scrutiny techniques whilst carrying out the scrutiny review, especially the pages on gathering evidence, balancing inquiry and advocacy and types of questioning. This will help you collate relevant and effective evidence.

When all evidence has been collated, it will need evaluating. Assess whether or not it is relevant and valuable evidence. It may be necessary to gather additional evidence if there are weaknesses in that already collected or if further issues have arisen. Do not attempt making conclusions or recommendations until all evidence has been collected.

Concluding

The review group should hold a specific meeting to discuss and analyse any findings from the evidence and whether or not it has met the objectives set out in the scoping template. The key message from the evidence should be identified together with the options for any recommendations. Each option should be appraised and recommendations formed from those options that are relevant and achievable. Members should aim to reach a consensus on the recommendations. There should be no need for a vote.

When the recommendations have been agreed, the lead member will draft a report with the Scrutiny Support Officer. The report will include:

- Foreword by the lead member and acknowledgements
- Background to the review and executive summary
- Introduction to the issues and context of the review (national and local)
- List of evidence collected
- Summary of work undertaken
- Key messages that were identified from the evidence collected
- Conclusions and recommendations
- Monitoring arrangements

People who have contributed to the review should always be sent a copy of the draft report and be invited to comment. The final report should be submitted to the relevant DSP for approval prior to submission to Cabinet.

Monitoring

The final scrutiny review report is submitted to Cabinet under its standing agenda item "Matters referred to Cabinet by the Council or the Development and Scrutiny Panels". The Cabinet then has six weeks to consider the report from the date of its submission. If the content of the report has implications for the Council's budget or the policy framework, it is to be submitted to Council after the six weeks. Cabinet is able to respond to the report at the Council meeting.

The role of scrutiny, however, is not yet over. Scrutiny members have an ongoing role to monitor the implementation of their recommendations. As above, the scrutiny review report should include a section on monitoring arrangements. This will stipulate what actions are expected to be taken by whom and by when. If members are not satisfied with the outcome, they may choose to revisit appropriate aspects of the review. This is a vital element of the role of scrutiny members as it reinforces the importance of the scrutiny function in securing continuous improvement for the council. It also shows the Executive that scrutiny members are dedicated to their recommendations.

Key Officer Contacts

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- Training

Useful Websites

www.cfps.org.uk - Centre for Public Scrutiny

- Scrutiny reviews and news from “champion” authorities
- Information on events
- Learning resources and publications
- On-line forums

www.idea.gov.uk - Improvement and Development Agency

- Examples of good practice
- Improving services and the Council
- Best Value and E-Government
- Scrutiny Guidance

www.audit-commission.gov.uk - Audit Commission

- Best Value
- Inspections and service assessments
- Publications

www.communities.gov.uk - Department for Communities and Local Government

- Policy and consultation documents, white papers
- Community and political leadership
- Improving public services

www.statistics.gov.uk - Office for National Statistics

- Comprehensive national and local statistics

www.lga.gov.uk - Local Government Association

- Information on events and meetings
- Key issues and news
- Publications

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REQUEST FOR CALL-IN OF A CABINET DECISION

TO: THE CHIEF EXECUTIVE

MINUTE/DECISION NUMBER: _____

SUBJECT MATTER: _____

DATE OF DECISION: _____

DATE OF PUBLICATION: _____

**I, being the Chairman* [or] We, being 5 members of the Council*
request that the above mentioned decision be called in for scrutiny.**

[* delete as appropriate]

**I/We certify than none of us has subscribed to more than 3 requests for
call-ins during the current Municipal year.**

REASONS FOR EXERCISING CALL-IN:

**(i.e. where it is considered that a decision has not been taken in
accordance with the principles of decision making as set out in Article
13 of the Constitution, for example:**

- **It is outside the budget or policy framework;**
- **It is outside the delegated powers of the Cabinet;**

Schedule of Call-ins as at 1st December 2005

DATE	DSP	TITLE	CALLED IN BY	RESULT
21.6.04	Environment	Car Parking Charges NKD by Cllr Auger	Cllr Waterhouse used his Prerogative as Chairman to call it in on his own.	DSP decided to take no further action but rec relating to past policies
28.6.04	Community	Door Replacement Programme NKD by Cllr Martin-Mayhew	Cllrs Bisnauthsing, Hewerdine, Gibbins	DSP decided no further action was necessary
28.10.04	Environment	Star Lane Toilets NKD by Cllr Martin-Mayhew	Cllrs Craft, Fisher, Joynson	Ask Portfolio holder to reconsider decision. Not taken on board by the decision taker.
29.10.04	Capacity and Resources	Star Lane Toilets NKD by Cllr Mrs Neal	Cllrs Kirkman, Conboy, Lovelock	Ask Portfolio holder to reconsider decision. Not taken on board by the decision taker
11.11.04	Community	Newton Court, Colsterworth NKD by Cllr Martin-Mayhew	Cllrs Sandall, Gaffigan, Hewerdine	Having heard the evidence, DSP decided not to support the call-in
21.01.05	Economic & Cultural	Thurlby Youth Hostel NKD by Cllr John Smith	Cllr Nicholson used chairman's prerogative to call it in on	To be reconsidered by Portfolio holder following

			his own	representations by the DSP
21.03.05	Environment	Grantham Toilet Location, Cabinet Decision NKD by Cllr Martin-Mayhew	Cllr Waterhouse used chairman's prerogative to call it in on his own	Recommend that Portfolio holder reconsider . Decision reaffirming original decision was subsequently issued
05.04.05	Community	Housing Adaptations – To require means testing NKD by Cllr Martin-Mayhew	Cllrs O'Hare Gibbins Hewerdine	The Panel agreed to take no further action and the decision was therefore confirmed
22.11.05	Economic	Car parking charges in Grantham and Stamford	Cllrs O'Hare, J. Hurst, Wilks, M. Williams and F. Hurst	The Panel agreed to take no further action and the decision was therefore confirmed
22.12.05	Resources	LSVT Progress Report	Cllrs O'Hare J Hurst Kerr Gibbins Bisnauthsing	DSP did not support the call in request

SKDC Vision

To ensure that the residents of South Kesteven are proud of their district and their Council.

Core Values

Promoting Pride in our Communities.

Performing
Respecting
Informing
Developing
Enabling

Category A Priorities

- Anti-social behaviour
- Affordable housing
- Recycling
- Town centre development and Grantham as a sub regional centre
- Access to council services
- Communications
- Use of resources

Category B Priorities

- Street scene
- Business development
- Diversity
- Housing management
- LSP and Community Strategy
- Maintenance and council assets