

FALKIRK COUNCIL

Subject: SCRUTINY PLAN
Meeting: SCRUTINY COMMITTEE
Date: 14 MAY 2015
Author: CHIEF GOVERNANCE OFFICER

1. PURPOSE OF THE REPORT

- 1.1 The purpose of this report is to invite the committee to agree the topic of the next Scrutiny Panel and to appoint members to the panel.

2. BACKGROUND

- 2.1 The committee considered a report at its meeting of 14 August 2014 which summarised key issues identified and discussed at the Performance Panel, the report is attached at appendix 1. When previously determining topics for the 2014 scrutiny plan the committee considered reports on 13 June and 12 September 2013 which are attached at appendices 2 and 3 respectively.
- 2.2 The committee considered whether the issues identified and discussed at the Performance Panel, or any other issues identified by the committee, required further consideration as potential subjects for the annual scrutiny plan. The report highlighted nine areas as potential topics arising from Performance Panel discussions, which are set out at paragraph 2.2 of appendix 1.
- 2.3 Following discussion, the committee called for further reports on five of the areas highlighted in the report, which were:
- the effectiveness of the business gateway service following its transfer in-house;
 - the impact of the Freedom of Information (Scotland) Act and, in particular, the volume of requests to the Council and the cost arising therefrom in addition to the Council's effectiveness in dealing with requests;
 - head teacher recruitment, the secondment of head teachers from schools and the use of acting position in schools and Education Service management posts;
 - the educational attainment of looked after children and other vulnerable groups, and
 - the operation of the complaint system within the Council, in particular, the extent to which complaint outcomes are considered and lessons learned for the future.
- 2.4 Reports were submitted to the 31 October and 1 December 2014 meetings of the committee presenting more detailed information on each of the requested topics.

- 2.5 Having considered each of the reports the committee agreed at its meeting on 19 February 2015, to recommend that Council approve the following areas for scrutiny:-
- the operation of the complaint system within the Council, in particular, the extent to which complaint outcomes are considered and lessons learned for the future. The scope of the scrutiny panel would include customer feedback as well as formal complaints, and
 - outcomes for looked after children.
- 2.6 The committee also recommended that a third “slot” be held vacant and that this area would be agreed by committee with preference given to a subject suggested by members of the Opposition, if those members participated in the scrutiny process. The recommendations were approved by Council on 11 March 2015.
- 2.7 At its meeting on 31 March 2015, Council agreed to establish two Scrutiny Committees and also agreed that the committees should recommend an amended scrutiny plan to Council.

3. RECOMMENDATIONS

Committee is invited to:-

- (i) agree the subject of the next Scrutiny Panel, and
- (ii) appoint members to the Panel.

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CHIEF GOVERNANCE OFFICER

Date: 30 April 2015

Contact Officer: Jack Frawley, Committee Officer, Ext. 6116

LIST OF BACKGROUND PAPERS

Nil.

FALKIRK COUNCIL

Subject: ISSUES CONSIDERED AT PERFORMANCE PANEL
Meeting: SCRUTINY
Date: 14 AUGUST 2014
Author: CHIEF GOVERNANCE OFFICER

1. INTRODUCTION

- 1.1 At its last meeting, the committee asked that a report be presented to this meeting summarising key issues identified and discussed at the Performance Panel. This was with a view to the committee considering whether the issues identified required further consideration as potential subjects for the next Scrutiny Plan.

2. ISSUES DISCUSSED AT THE PERFORMANCE PANEL

- 2.1 The minutes of the following meetings are appended:-

28th November 2013;
 23rd January 2014;
 20th March 2014; and
 29th May 2014.

These have been considered in an attempt to identify areas where there has been in-depth discussion or discussion on more than one occasion or where the issue raised followed on from a recent policy development or initiative which would make the issue apt for consideration by a Scrutiny Panel. The issues identified below are not intended to be an exhaustive list and it may well be that there will be others identified by members of the committee.

- 2.2 The following issues have been identified:-

(1)	The impact of welfare reform and the effectiveness of the arrangements put in place by the Council to mitigate its effects.
(2)	The physical quality of housing allocated to tenants and the impact of the impetus to reduce the length of void periods.
(3)	The effectiveness of the business gateway service following its transfer in-house.
(4)	The impact of the Freedom of Information (Scotland) Act and, in particular, the volume of requests to the Council and the cost arising therefrom in addition to the Council's effectiveness in dealing with requests.
(5)	Head Teacher recruitment, the secondment of head teachers from schools and the use of acting position in schools and Education Service management posts.
(6)	The educational attainment of looked after children and other vulnerable groups.
(7)	The effectiveness of the systems in place to assess community care needs, in particular, the prioritisation of assessments.
(8)	The provision of residential and nursing home places and the impact of delayed discharge from hospital.
(9)	The operation of the complaint system within the Council, in particular, the extent to which complaint outcomes are considered and lessons learned for the future.

- 2.3 It is open for the committee to call for a report on any of these issues (or any other issue identified by the committee) to allow it to consider whether this is a suitable subject for a Scrutiny Panel.

3. RECOMMENDATION

- 3.1 **The committee is invited to consider the issues identified from earlier meetings of the Performance Panel.**

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Depute Chief Governance Officer

Date: 6 August 2014

Contact Officer: Colin Moodie, Depute Chief Governance Officer ext. 6097

LIST OF BACKGROUND PAPERS

Nil

FALKIRK COUNCIL

Subject: FEEDBACK FROM SCRUTINY WORKSHOP
Meeting: SCRUTINY COMMITTEE
Date: 13 JUNE 2013
Author: CHIEF GOVERNANCE OFFICER

1. INTRODUCTION

- 1.1 At its inaugural meeting on 16 May 2013, this Committee agreed that a workshop should be organised to allow all members the opportunity to discuss areas for future scrutiny and the manner in which scrutiny would be undertaken. The workshop took place on 31 May, 2013 and was attended by 10 members drawn from all of the political groups represented on the Council. This report provides feedback from the workshop to the Committee and, in particular, addresses some of the suggestions made by members during the course of the workshop.

2. ISSUES ADDRESSED AT THE WORKSHOP

- 2.1 The discussion at the workshop covered four areas:-
1. the place of the Scrutiny Committee within the broader decision-making structure;
 2. the future role or replacement for the Best Value Forum;
 3. the potential subject areas for scrutiny; and
 4. the manner in which scrutiny would be carried out.

3. THE PLACE OF THE SCRUTINY COMMITTEE WITHIN THE DECISION-MAKING STRUCTURE

- 3.1 The effect of the Council's decisions on structures is to give the Scrutiny Committee three main roles. The first is to develop and implement the Council's annual Scrutiny Plan. The second is to receive reports on the effectiveness of financial support to external organisations provided under the Following the Public Pound arrangements, to receive performance reports from Police Scotland and the Scottish Fire and Rescue Service and to receive performance reports from the Community Trust. The third role was to scrutinise any matter referred to the Committee by the Executive.

- 3.2 Members expressed some concern at the lack of flexibility in the remit of the Committee as described above. In particular, the question was raised of how an issue which came to light during the course of the year could be addressed by the Committee. A suggestion was made that there would be benefit in the Council leaving some flexibility within the Scrutiny Plan to allow the Committee itself the opportunity to determine at least one of the subject areas for detailed scrutiny. The question was also raised of the scope for flexibility to allow the Committee the opportunity to consider issues outwith the scope of the Scrutiny Plan.
- 3.3 The Scheme of Delegation agreed by Council already gives some scope for flexibility. It would be open for Council to take up the suggestion that the Scrutiny Committee is empowered to choose part of the content of the Scrutiny Plan. The issue of raising matters outwith the scope of the Plan is more problematic in the context of the current Scheme. Some degree of flexibility may be available where the Committee wished to consider an issue during the course of the year with a view to considering whether it would be a suitable subject for recommendation to Council for the following year's Plan.

4. THE BEST VALUE FORUM

- 4.1 There was general agreement among Members that there were many positive aspects of the Best Value Forum which should be retained in any replacement. The positive aspects of the Forum identified by Members centred on two areas. The first of these was that it was open to all Members of the Council to contribute to. The second was that the fact that it did not take place in public allowed for a more free and open exchange of views between Members and for more open responses from Officers to points raised by Members.
- 4.2 It was noted that at the last meeting of Council a suggestion had been made in the Chief Executive's report that to avoid potential overlap and duplication between the Best Value Forum and the Scrutiny Committee, that there would be some benefit in considering a standing Scrutiny Panel to monitor service performance. Some concern was expressed at this suggestion in that it may exclude the wider membership of the Council from consideration of matters currently considered by the Best Value Forum.
- 4.3 There is scope for a replacement for the Best Value Forum to be established which reports to the Scrutiny Committee and which meets many of the requirements set out by Members at the workshop. A Standing Panel on performance could receive the same form of information on performance reporting currently considered by the Forum. As Council has already agreed that the Scrutiny Panels are not formally constituted as Sub-Committees, the Standing Panel could continue to meet in private allowing for the full and frank discussion valued by Members. The Scheme of Delegation to Committee agreed by Council limits the membership of a Scrutiny Panel to five. It would be possible, however, to form a "core" membership of five but to allow any Member to attend.

5. SUBJECTS FOR SCRUTINY

5.1 A short list of subjects for scrutiny was prepared by officers in advance of the workshop, purely as suggestions. The list is appended to this report. It is fair to say that the contents were not met with a spontaneous burst of enthusiasm. Additional suggestions brought forward by Members as potential scrutiny areas included:-

1. the process of procurement and contract monitoring;
2. the adequacy of consultation with the public and community engagement more generally;
3. schools capacities; and
4. the role of Community Councils.

5.2 All of the areas suggested would appear to offer good scope for scrutiny. The example of consultation with the public is a useful one. The Council adopted a Community Participation Strategy in 2011. A Scrutiny Panel examining the implementation of the Strategy would allow for the assessment of whether the expected outcomes had been achieved. It was acknowledged by Members at the workshop that a focus on outcomes within the work of the Scrutiny Panels would be important.

6. SCRUTINY GUIDELINES

6.1 The discussion at the workshop highlighted the difference between the scrutiny currently undertaken at scrutiny committees and the more detailed process which would require to be adopted by Scrutiny Panels under the new system. It was acknowledged that the length of each Scrutiny Panel was likely to vary depending on the subject being considered but it was recognised that each Panel would be likely to meet over a number of meetings. There was discussion on the balance in such meetings between public and private sessions and it was recognised that there was room for both. For instance, the meeting of the Panel at which the work of the Panel was scoped and planned might be private whereas sessions where evidence was sought could be open to the public. The Panel would be reporting to the Scrutiny Committee and it would need to be clear from its report what the reasons were for it making its recommendations. Members agreed that the value of a report from a Panel would depend on the recommendations being evidence based.

6.2 Further discussion took place on the best way to develop the plan and the guidelines on undertaking a scrutiny process. There was general agreement that there would be benefit in recommending to Council that a pilot scrutiny process was undertaken over the summer period on a subject to be recommended by the Committee to Council. This would assist in assessing the time and resources required to conduct a successful Scrutiny Panel. This in turn could help to inform the recommendations made to Council on the content of the draft Scrutiny Plan. As far as timescale was concerned, the aim would be to recommend the Scrutiny Plan to the Council by the September meeting in order to allow the Scrutiny Panels to start their work over the following Council session.

- 6.3 If the Committee is minded to suggest a pilot scrutiny topic to be dealt with over the recess, there would be benefit in considering also at this stage the make up of the Panel that would carry out that particular scrutiny process and the timescale within which the Panel would be expected to complete its work. This would enable work to start immediately following the Council decision and for a progress report to be submitted to the next meeting of the Committee on 8 August 2013.

7. RECOMMENDATIONS

It is recommended that the Committee agrees:-

- (a) to recommend to Council that a pilot Scrutiny Panel is formed in advance of the Scrutiny Plan being agreed; and**
- (b) to determine and thereafter recommend the subject area for the Panel and the membership thereof.**

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CHIEF GOVERNANCE OFFICER

Date: 4 June, 2013

Contact Name: Colin Moodie – Ext: 6097

LIST OF BACKGROUND PAPERS

Nil

Scrutiny Workshop

Topic

Use and management of community halls – Lets and charging

Outcomes for looked after children

Health inequalities

Support for Kinship care

Business support

Employability, Neet and youth unemployment

CABs – advice and support

Support for Gala days and Fairs

Role and support for CCs

Community Safety Wardens – use, deployment etc.

Transport for Care and Education

Welfare Reform - Impact of

Significant Service (s)

Education

Education and Social Work

C&NS

Social Work

Development Services

Development Service and Education

C&NS

C&NS

Governance

C&NS

Social Work, Education and
Development Services

C&NS, SW and Finance

FALKIRK COUNCIL

Subject: ANNUAL SCRUTINY PLAN
Meeting: SCRUTINY COMMITTEE
Date: 12 SEPTEMBER 2013
Author: CHIEF GOVERNANCE OFFICER

1. INTRODUCTION

- 1.1 The new decision-making structure adopted by the Council requires that the Scrutiny Committee should agree an annual scrutiny plan for consideration by the Council. This report recaps on the suggestions previously considered by the Committee and invites it to recommend the subject areas for scrutiny to Council for the forthcoming year.

2. BACKGROUND

- 2.1 A number of suggested areas for scrutiny were put to members at the Scrutiny Workshop which took place on 31st May, 2013. These were as follows:-

- Use and management of community halls – lets and charging
- Outcomes for looked after children
- Health inequalities
- Support for kinship care
- Business support
- Employability, NEET and youth unemployment
- CABs – advice and support
- Support for gala days and fairs
- Role and support for Community Councils
- Community Safety Wardens – use, deployment etc
- Transport for care and Education
- Welfare Reform

- 2.2 At the workshop, members attending suggested further potential areas for scrutiny. These were:-

1. the process of procurement and contract monitoring;
2. the adequacy of consultation with the public and community engagement more generally; and
3. schools capacities.

More recently, the Executive has decided to establish a Policy Development Panel to consider the role of and support for Community Councils. In discussion with the Convener of the Committee a further suggestion has emerged. This would involve the scrutiny of the Council's appointment of elected members to external organisations.

- 2.3 On 26th June, Council agreed that a pilot Scrutiny Panel should be formed prior to the agreement of the annual plan examining the work of Citizens' Advice Bureau in the Council area. The work of this Scrutiny Panel is underway and has provided useful information on the process of undertaking the in depth scrutiny envisaged in the formation of Scrutiny Panel. In this case, the process has involved:- a scoping meeting, three meetings in public taking evidence and a final meeting to agree recommendations to follow. When preparation and report reading is added, it can be seen that the demands on the time of the members forming the Scrutiny Panel can be extensive.

3. THE SCRUTINY PLAN

- 3.1 The experience of the pilot Scrutiny Panel has given useful information on level of commitment in officer and member time which should help to inform the Committee's decision on the scope of the plan. It should be also be acknowledged that the decision is to be taken against the background of a significant proportion of the members available to serve to Scrutiny Panels not currently being willing to do so.
- 3.2 It is suggested that the plan recommended to Council should contain no more than one Panel operating at any one time but with scope for the Committee itself to add a further Panel or Panels to the maximum of two operating at any one time should the availability of members increase at a later stage. This would allow the Committee flexibility to choose a further topic or topics for in depth scrutiny without the need to revert to Council.

4. RECOMMENDATION

- 4.1 **Members are invited to consider the potential areas for scrutiny and to recommend these to Council.**

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CHIEF GOVERNANCE OFFICER

Date: 2nd September, 2013
Contact Name: Colin Moodie – Ext: 6097

LIST OF BACKGROUND PAPERS

Nil