

REPORT TO PROCEDURES COMMITTEE – 5 NOVEMBER 2021

REVIEW OF SCRUTINY ARRANGEMENTS UPDATE

1 Reason for Report / Summary

- 1.1 This report asks the Committee to agree the revisals to the Scrutiny at Aberdeenshire Guidance in Part 4A of the Scheme of Governance as contained within Appendix 1 for recommendation to Full Council.

2 Recommendations

The Committee is recommended to:

- 2.1 Agree the revisals to the Scrutiny at Aberdeenshire Guidance in Part 4A of the Scheme of Governance at Appendix 1 for recommendation to Full Council as part of the Annual Review of the Scheme of Governance.**

3 Purpose and Decision Making Route

- 3.1 On 17 September 2021 the Committee agreed an Action Plan arising from the review of the scrutiny arrangements, which included an action to review the Scrutiny at Aberdeenshire Guidance in Part 4A of the Scheme of Governance. A revised version of the guidance forms Appendix 1 to this report.
- 3.2 If the Committee is in agreement with the proposed revisions, the guidance will be put forward to Full Council in November along with the revisions to the Policy Development and Review Framework. In view of the fact that the guidance is contained within Part 4 of the Scheme, approval can be sought without having to go through the two stage notification process that applies to other parts of the Scheme. Therefore the changes will take effect immediately upon agreement by Full Council and a series of drop in sessions will be arranged with Members thereafter to update them on the revised guidance and the review of scrutiny arrangements.

4 Discussion

- 4.1 The revised guidance at Appendix 1 reflects some of the key themes highlighted in the previous report to Procedures Committee in September as well as the discussion which took place at that meeting:
- (i) The title of the guidance has been amended to “Scrutiny and Improvement at Aberdeenshire”. This retains the scrutiny branding, ensuring we keep that front and centre, but also recognizes the importance of improvement in the scrutiny activity we undertake as a Council.

- (ii) Section 1.1 has been amended to strengthen links between the scrutiny guidance and the Performance Management Framework.
- (iii) Section 1.5 has been amended to recognise that there will be circumstances where Committees will seek assurance through an update report, rather than commencing the Committee Review Process. It also clarifies that request for scrutiny must be clear on the matter identified for improvement and the need for actions to be measurable through SMART indicators.
- (iv) Section 1.6 has been amended to reflect not just the monitoring of scrutiny but the programming for Committee activity. It includes reference to the prioritization list in the Guidance which can be utilized when identifying which areas to bring forward and highlights options available to Committees in scheduling scrutiny activity.
- (v) The Annual Scrutiny Report will now be an Annual Scrutiny and Improvement Report, with links to actions and improvements that have arisen from the scrutiny activity undertaken by the Committee along with the future programme of scrutiny for the coming year.

4.2 If the Committee is minded to agree the revised Guidance, it is proposed that a series of drop in sessions on performance, scrutiny and improvement are held later this year, subject to approval by Full Council of the changes to the guidance, to promote the new approach and provide some practical examples and tips for Elected Members on how to undertake effective scrutiny.

4.3 At the same time, officers are in the process of amending the Committee Report Template and report writing guidance to include specific reference to a Committee's scrutiny remit for relevant reports. It is intended that these changes will be rolled out in January 2022.

5 Council Priorities, Implications and Risk

5.1 This report helps deliver all six Strategic Priorities through the implementation of effective scrutiny arrangements to help drive continuous improvement, and in particular the underlying principle of right people, right places, right time.

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

Subject	Yes	No	N/A
Financial			X
Staffing	X		
Equalities and Fairer Duty Scotland			X
Children and Young People's			X

Rights and Wellbeing			
Climate Change and Sustainability			X
Health and Wellbeing			X
Town Centre First			X

- 5.3 There will be staffing implications in the development and implementation of scrutiny programming, however it is considered that these can be met within existing resources.
- 5.4 An integrated impact assessment is not required because this report informs the Committee of the outcome of a governance review and there is no impact on any of the protected groups.
- 5.5 The following Risks have been identified as relevant to this matter on a Corporate Level:

ACCORP001 – Budget Pressures

ACCORP004 – Business and Organisational Transformation

Scheme of Governance

- 6.1 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and are satisfied that the report complies with the Scheme of Governance and relevant legislation.
- 6.2 The Committee is able to consider and take a decision on this item as it has remit to make recommendations to Full Council on any changes to the Scheme of Governance.

Ritchie Johnson, Director of Business Services

Report prepared by Ruth O'Hare, Legal Service Manager (Governance)

Date 24 August 2021

List of Appendices –

Appendix 1 – Part 4A of the Scheme of Governance – Scrutiny and Improvement at Aberdeenshire



From mountain to sea

Scheme of Governance

Part 4A - Scrutiny and

Improvement at Aberdeenshire

~~28 September, 2018~~ **DRAFT**



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Scrutiny and Improvement at Aberdeenshire

This document forms part of the council's Scheme of Governance and provides information and guidance on how Aberdeenshire Council monitors and reviews performance and service delivery and undertakes scrutiny.

1.1 What Is Scrutiny?

Scrutiny, or challenge and review is fundamental to transparent, accountable decision making and performance improvement. Scrutiny is about assessing the impact of the council's strategic policy and planning on communities and residents **and the performance and quality of services.**

This document is complemented by both the Council's Performance Management Framework, which provides a comprehensive and robust approach to managing performance across the organisation, and the Policy Development and Review Framework, which contains guidance on how the council develops and reviews its policies. ~~these policies is contained in the Policy Development and Review Framework.~~

1.2 Members' Responsibilities

Members' responsibility for scrutiny is underpinned by four principles:

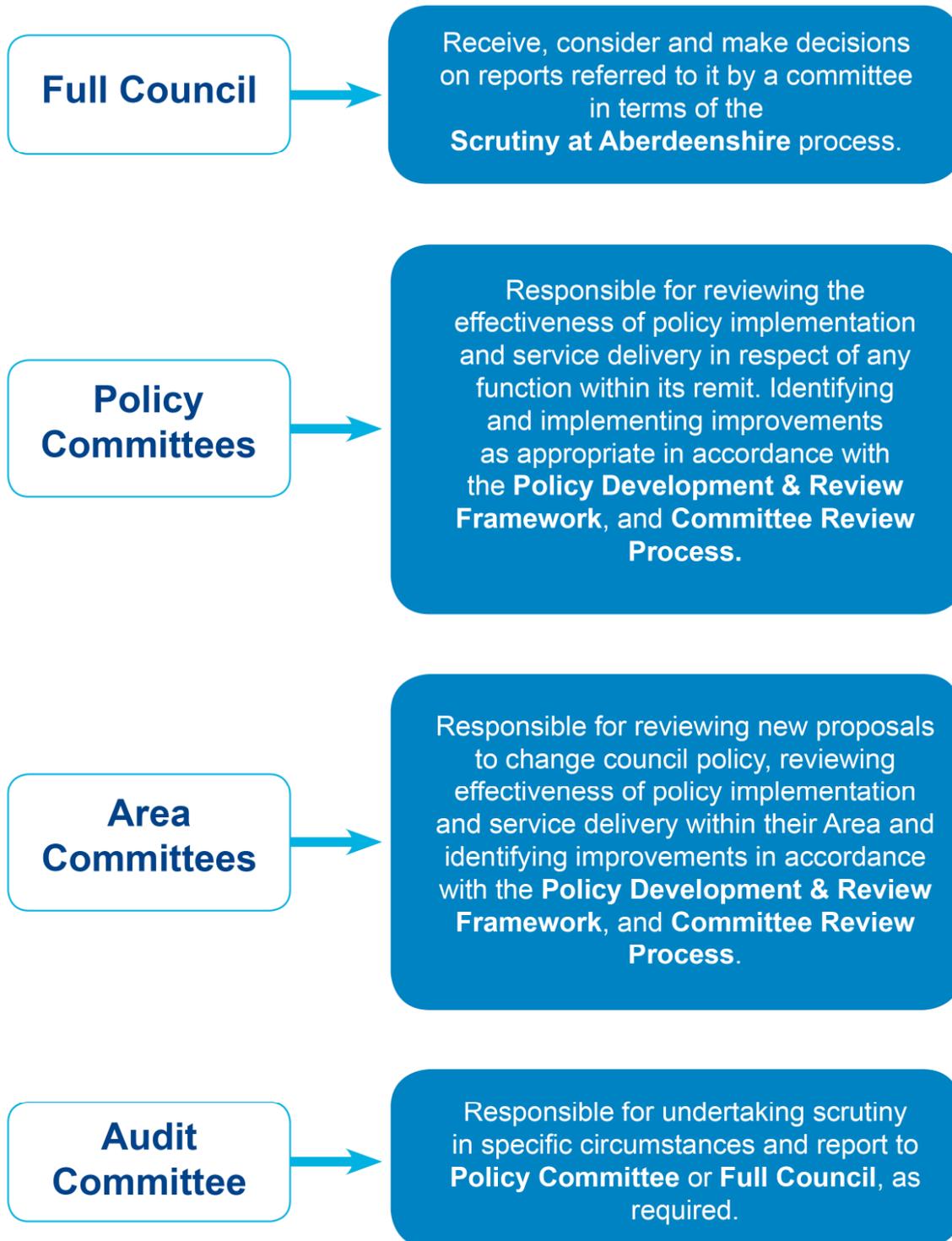


Members will undertake both “pre-decision” and “post-decision” scrutiny. “Pre-decision” is where Members are scrutinising information in order to take decisions on

policies and proposals. “Post-decision” is where Members are assessing the implementation of those policies and proposals and impact on service delivery.

1.3 Governance

In the same way that scrutiny is the responsibility of every Member, every committee has a scrutiny remit.



1.4 In Practice

Members are undertaking scrutiny continually whether when considering performance reports, approving new policies, plans and strategies, or considering regular budget monitoring reports. Examples of formal and informal scrutiny include:

Formal

- Performance reports (including benchmarking)
- Strategies (where these carry performance-related information for monitoring)
- Policy development/approval/review
- Capital & Revenue monitoring
- Management information
- External inspection reports
- Internal/external Audit reports
- Resident consultation/feedback (e.g. Reputation Tracker, Citizen Panel, Complaints, Local consultation)
- Referral from Audit Committee

Informal

- Performance sessions outwith committee
- Members' surgeries
- Ward forums
- Joint Area Committee/Area Management Team meetings

1.5 Delving Deeper

There will be occasions when area and policy committees and the Audit Committee will wish to further assure themselves and may want to undertake further scrutiny.

The Annual Scrutiny and Improvement Report, as detailed in Section 1.6 of this guidance, will seek to identify areas which may be appropriate for further scrutiny by

the Committee. Alternatively the Committee may highlight particular issues in the course of its business to explore further.

When identifying what may require further scrutiny, Committees should take a forward thinking approach, looking at where positive changes can be made to improve outcomes for communities.

Triggers for further scrutiny may ~~this~~ include:

For area and policy committees only -

- Performance monitoring (via trends, targets) or monitoring of projects/actions is indicating that performance is continually declining or static – this includes customer satisfaction/outcome indicators,
- National performance audits or benchmarking data indicates our residents are not experiencing as effective service delivery as others in Scotland/region or we are not improving as quickly or significantly as others,
- Internal or external scrutiny activity has indicated a requirement for improvements in an area of service delivery,
- Advice from the Feedback team based on complaints received,
- Feedback from constituents,
- Awareness of local issues that are becoming critical.

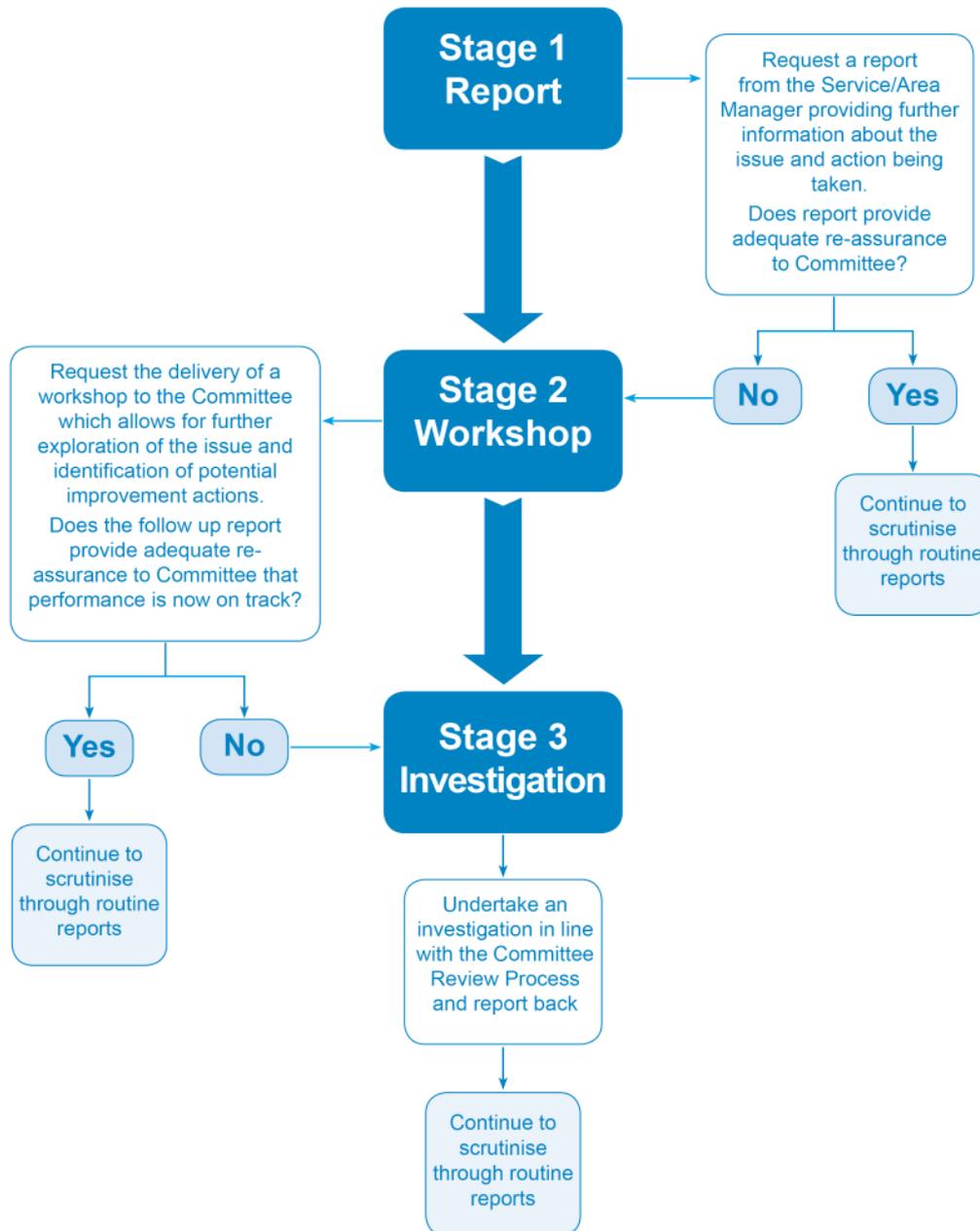
For the Audit Committee only -

- Where the report from the Chief Officer of the Integration Joint Board on the Council's delivery of adult social work services under direction of the Integration Joint Board identifies a requirement for improvement,
- Where internal or external audit reports have indicated a requirement for improvements in an area of service delivery and the response from the policy committee does not provide sufficient reassurance,
- At the request of the Chief Executive or Full Council, to investigate any matter in which the Council has an interest.

The Committees can seek further assurance or take action ~~through a three stage process described below and in further detail in the Committee Review Process.~~ by either of the following means:

- By seeking a further report from the Chief Officer providing further detail on the issues identified by the Committee;
- By instigating a three stage process, outlined in the diagram below and in further detail in the Committee Review Process.

When requesting further scrutiny the Committee must be clear on what the matter identified for improvement is, and what improvements are expected. These must be realistic and achievable, and capable of being measured through the use of SMART indicators.



The outcome of any of these three stages can be to make recommendations for improvement action or policy review to the appropriate governance structure. There is further guidance available on lead officer roles and responsibilities for each stage and on undertaking an investigation.

1.6 Planning and Monitoring

Each committee will receive an **Annual Scrutiny and Improvement Report**. ~~annual report or such other reports as required which will confirm the outcome of any further assurance scrutiny processes that the committee has undertaken during the year.~~ The report is prepared by the appropriate Director or Area Manager.

The Annual Scrutiny and Improvement Report will include:-

- A summary of key scrutiny activity undertaken by the Committee over the past year, with a focus on improvement; and
- A programme of scrutiny activity over the coming year. This may include areas identified by the Director or Area Manager as appropriate for further scrutiny by the Committee as well as items on future agendas relating to performance information, regulator reports or any other reports relevant to the Committee's scrutiny powers.

In identifying areas for scrutiny activity by the Committee, the Director or Area Manager may undertake consultation with the Committee in the preparation of the Annual Scrutiny and Improvement Report. The criteria outlined in Section 4 of this document can also be used when prioritising matters for inclusion in the scrutiny programme.

The Committee may also consider the scheduling of scrutiny reports so as to ensure sufficient time can be allocated for such activity, for example by setting aside time at a particular meeting or by holding a special meeting for the consideration of scrutiny activity. This will however be dependent on the availability of time and resources.

In addition to the Annual Scrutiny and Improvement Report, the Committee may receive such other reports as required which will confirm the outcome of any further assurance scrutiny processes that the committee has undertaken during the year.

2 Committee Review Process

The Committee Review Process specifies the roles and responsibilities of committees and lead officers in the review process and provides a step by step guide to delivering the three stage scrutiny process in a clear and consistent manner.

Area Committees – Responsible for reviewing new proposals to change council policy, reviewing effectiveness of policy implementation and service delivery **within their Area** and identifying potential improvements in accordance with the Policy Development and Review Framework. This also allows area committees to have a holistic review of a particular local issue involving different Services.

Policy Committees – Responsible for reviewing the effectiveness of policy implementation and service delivery **in respect of any function within its remit** and

identifying and implementing improvements as appropriate in accordance with the Policy Development and Review Framework.

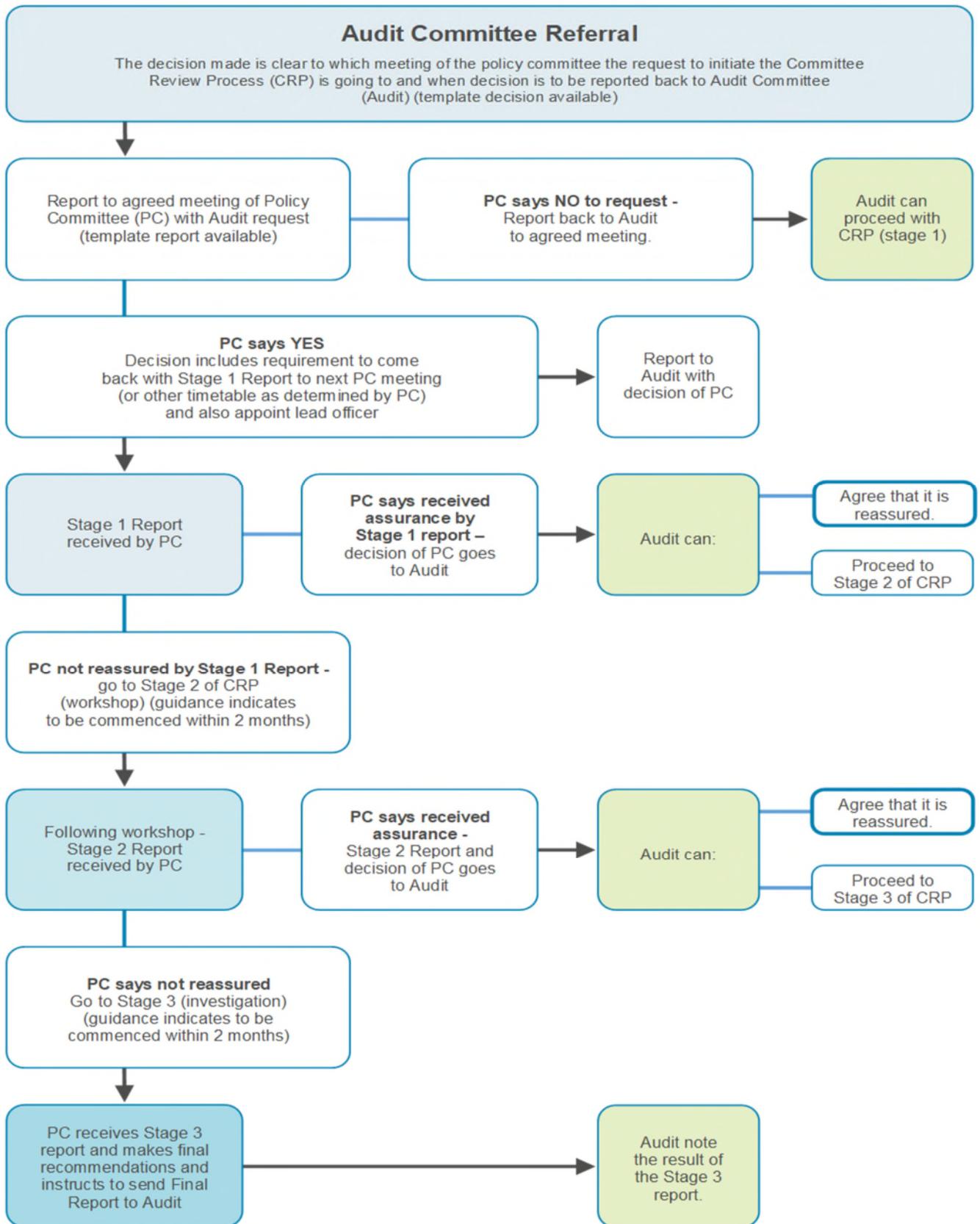
Audit Committee is responsible for reviewing:-

- The effectiveness of the Council's delivery of adult social work services on behalf of and under direction from **the Integration Joint Board**,
- **In terms of its own remit**, an area of service delivery identified for improvement from an audit report where, in exceptional circumstances, having already referred the matter to the relevant policy committee for consideration and having not received sufficient reassurance,
- Any matter in which the Council has an interest following a request from the Chief Executive or Full Council.

When Audit Committee determine to refer a matter to a policy committee, the referral process is detailed in the flow chart below is to be followed.

There are template reports and guidance for officers on [Arcadia](#). This is in internal link only and will only work for those with access to Arcadia. Those without access to Arcadia will need to contact the Democratic Services team in Legal and Governance by email governance@aberdeenshire.gov.uk

Audit Committee Scrutiny Referral Process



Lead Officers – Responsible for managing delivery of the three stage scrutiny process. Further guidance on lead officer responsibilities is included [here](#).

The following will apply for ALL stages of the review process –

1. How? - The Review Process is instigated by the committee by a request in the minutes of the meeting.

2. Who? - The Lead Officers are:

Area Committee - Area Manager,
Policy and Audit Committees - Service Appointed Officer.

Further guidance on lead officer responsibilities is included [here](#).

3. Consultation - The lead officer should consult with Services through Area or Service Management Teams to determine:

- Is a topic already being addressed? If so, report findings from review underway to committee to determine if further assurance is required, or
- Is new legislation or guidance expected within the next year, and
- Can they support the request for further assurance with current resources/information? If not refer to Directorate.

4. Prioritising - In the unlikely event that a significant number of requests for further reassurance are received, Lead Officers should use their professional judgement and the [scoring mechanism](#) to prioritise requests.

5. Outcome - A report must go back to the relevant Committee for the decision on findings and any improvement action to be recommended.

3 Lead Officer Roles & Responsibilities

This section specifies the Lead Officer roles and responsibilities in terms of managing the three stage scrutiny process to ensure this is delivered in a clear and consistent manner.

STAGE 1 – Report

- Prepare Report in response indicating either that the issues are already known about and action is being taken or that the issue has been noted and the review will be progressed. This should normally be delivered to the next meeting of the policy committee or other date that has been agreed by the policy committee. If not achievable, deliver progress report within that timescale.
- Present Report to the Committee.
- Respond to outcome of Committee consideration, as appropriate.

STAGE 2 – Workshop

- Agree date of Workshop. If not identified by the Committee, this should normally be delivered within a maximum of 2 calendar months of the decision to move to Stage 2. If not achievable, deliver progress report within that timescale.
- Prepare pre Workshop briefing note to Committee.
- Deliver Workshop - Informal session bringing key officers/external partners together with Members to further explore the issue and identify potential improvement actions. Could also be start of scoping something more substantial where required.
- Note-take Workshop including outcomes (*Service Administrative Support Team*).
- Report Workshop outcomes and any associated service actions back to Committee for consideration of further action required.

STAGE 3 – Investigation

- Follow the formal investigation process [here](#).
- When - if not identified by the Committee, this should be commenced within a maximum of 2 calendar months of the decision to move to Stage 3. If not achievable, deliver progress report within that timescale.
- Agree and prepare scope of investigation using SMART (Specific, Measurable, Achievable, Realistic, and Timescale) principles with Committee.
- Prepare background briefing – the written briefing contains links to any research with which the Committee may wish to familiarise themselves.
- Identify internal, and where appropriate, external witnesses to provide evidence.

- Invite witnesses to evidence gathering sessions (*Service Administrative Support Team*).
- Support Committee to identify key questions to ask witnesses.
- Deliver Lead Officer presentation to start investigation.
- Note-take all evidence gathering sessions (*Service Administrative Support Team*).
- Provide factual summary note of each session and make available via Ward Pages (*Service Administrative Support Team*).
- Support Investigation Group to draft report and their recommendations based on evidence gathered.
- Final report to be agreed by Investigation Group.
- Report recommendations to Strategic Leadership Team, where considered appropriate, and prepare management response and action plan.
- Report investigation outcomes and any associated service actions back to Committee for agreement.
- Report recommendations to appropriate Committee or Full Council where required.
- Provide update on management response and the progression of implementing recommendations to appropriate committees as part of annual reporting process or more frequently where requested.

4 Scoring Mechanism for Lead Officer– Prioritising Requests

This scoring mechanism is a tool which can be used in addition to professional judgement to assist Lead Officers in identifying priorities for review in the unlikely event that multiple requests are received from Committees.

Criterion	Score
<ul style="list-style-type: none"> • Topic is subject to, or arising from, new legislation or process (within 6 months) • Topic is already subject to Service Review • Topic is already under investigation by another Committee (unless joint approach agreed) • Topic is going to come before Committee within forthcoming 6 months 	Allow this process to conclude before further consideration
<ul style="list-style-type: none"> • Topic is outwith council's control 	1
<ul style="list-style-type: none"> • There is the ability to resource improvement action and/or have powers to do so 	2
<ul style="list-style-type: none"> • Significant issue which has been the focus of media attention or other wider public interest 	2
<ul style="list-style-type: none"> • Significant and systemic issue raised by multiple individuals or group through direct contact with Elected Member(s) e.g. via surgeries which gives rise to cause for concern in terms of the operation of a service 	2
<ul style="list-style-type: none"> • Significant systemic issue which Member(s) have identified as a concern 	2
<ul style="list-style-type: none"> • Significant systemic issue raised through the community via a community organisation 	3
<ul style="list-style-type: none"> • This is a topic of consistent under-performance as demonstrated by performance reporting at area/service level, benchmarking or external inspection or audit report(s) 	4
<ul style="list-style-type: none"> • It is possible to undertake early intervention and/or impact of scrutiny on effectiveness or service performance of topic in question 	5

The scoring should be added with those scoring highest representing highest priority and a spreadsheet is available to assist with calculation.

5 Stage 3 - Investigation Process

This section provides guidance on undertaking an investigation as specified in stage three of the scrutiny process, where it is deemed to be required.

5.1 Who

The Group undertaking the investigation (Investigation Group) could include all members of the committee, a smaller group of Members only, a joint Member/Officer working group or joint group of Members and external partners but the **decision on any action required** should always be taken by the Committee that instigated the investigation. Where all members of a committee are appointed to the Investigation Group, the Chair of the Committee will Chair the Investigation Group and in all other cases the Chair will be appointed by members of the Investigation Group.

5.2 How

The investigation could be undertaken 'traditionally' over a period of weeks, or through a rapid improvement event. The stages described below would happen in both types of investigation, however if undertaken as a rapid improvement event, the timeline would be condensed.

5.3 Defining the remit

As originally proposed, a topic may be quite loosely defined. If chosen for investigation, the definition of the issue must be clarified to allow a precise focus. The previous workshop session is likely to have focused and defined the area of interest.

Additional information can be sought which will further define the remit of any subsequent investigation. This work is carried out by the lead officer.

A terms of reference should be completed and agreed by the Investigation Group. This will define the specific scope of the investigation, identify potential experts and witnesses who it is thought may advance the investigation, and indicate potential costs which may be incurred in completing the investigation. The terms of reference statement defines the intent, as it is perceived at the start of the process, of how the investigation will proceed, but may need to be amended to allow the Investigation Group to pursue additional evidence sources, or lines of questioning which arise during the investigation timetable.

5.4 Utilising external experts

In the process of agreeing the remit of the investigation, the Investigation Group may decide to engage an external expert to be part of the review. If it is decided that such assistance would benefit the investigation, a survey will be made of appropriate

experts who may be able to guide the Investigation Group. These experts are generally external to the council, accredited professionals, or academics, with a background in the topic under discussion. They have the role of being able to provide a framework of general understanding of the issue, acting as a touchstone for assessing and responding to the information gathered during the investigation process, and also sharing their experience of the issue in its context wider than Aberdeenshire. External experts must be engaged through the appropriate processes under procurement procedures and financial regulations.

5.5 Background papers

When an investigation remit has been agreed, the lead officer should identify any information on the topic that could be considered by the Investigation Group to provide general awareness and context. This may take the form of internal spreadsheets, policy documents or committee reports, published research, or other external information. It could also be a session with the external expert, if one is appointed.

5.6 Setting in context

When the background papers have been made available to the Investigation Group, and any contextual briefing has been provided by the external expert, the investigation process should begin with a session led by the service(s) concerned, which identifies the current situation relating to the topic under discussion. This session is intended to allow members of the Investigation Group to increase their awareness of the current status of the issue under investigation, in addition to providing a service perspective. This may not be required if the Stage 2 workshop has already provided this to members' expectations.

5.7 Gathering Evidence

Evidence gathering sessions hear from witnesses, either individually, or in groups. The witnesses should have been identified in the terms of reference adopted for the investigation. Witnesses may be either external to the authority, or may be drawn from its staff resources. This may include the undernoted:-

- Members and council employees, at any level, asked to attend because they have particular knowledge or expertise relevant to the investigation topic,
- Representatives of the Council's partner organisations invited to give an external viewpoint on the area being investigated. This is an important opportunity to develop relationships with partner and external organisations, and to increase the Council's understanding of their work,
- Representatives of service users, invited to attend to give their views on how services are meeting their needs and possible improvements,
- Officers from other councils/bodies doing the same/academics.

All appropriate means are used to inform members of the Investigation Group of the matter under review. Investigations could involve fact-finding visits to council offices or facilities to meet service users and employees on the front line. Visits to other local authorities, or providers of similar services may also be undertaken.

Prior to any session, the lead officer should brief witnesses appropriately. Witnesses are encouraged to provide comprehensive answers and to feel free to raise additional issues related to the topic.

Notes should be taken of the session, highlighting factual, salient points of the discussion. These notes should be confirmed for factual accuracy and representation by the witness, officers and members attending the session.

Generally, evidence gathering sessions are not held in public. This is intended to allow witnesses to give comprehensive answers which may involve the disclosure of confidential information.

5.8 Preparing Recommendations

Once the Investigation Group has heard all the evidence, and drawn its conclusions and recommendations, a formal investigation report is prepared by the lead officer on behalf of the Investigation Group. This is best achieved through a 'wrap-up' session, where the Investigation Group meet informally, with all witness session notes available to them, and discuss what has been learnt in the investigation. The report should highlight key points, the Investigation Group's conclusions and recommendations.

5.9 Agreeing Actions

The appropriate leadership or directorate team should confirm actions to be taken in response to the recommendations. The investigation report, along with the action plan should be formally reported back to the Committee.

5.10 Monitoring

When the action plan has been approved, the Committee should be provided with progress updates as part of the annual reporting exercise, or more frequently, where requested. Committee should formally confirm when no further progress updates are required.