

BCP Council / Centre for Governance and Scrutiny

O&S Framework for scrutiny topic selection

1. Development of this framework and its application by O&S Committees

Workshops were held with members of O&S committees across December 2023- February 2024, supported by the Centre for Governance and Scrutiny (CfGS). The aim of the workshops was to develop an approach to work programming at BCP for 2024/25 and beyond that is based on good practice and addresses improvements already identified for O&S as set out in [Assurance Review Action Plan](#) and the [O&S Action Plan](#). One output of this work is the framework set out below.

During 2024, the O&S Board and Environment and Place O&S Committee have been following the principles set out in this framework. The same good practices will be rolled out to all O&S committees in 2024 and used to support future annual work programming.

2. Using a lens to select and approach scrutiny topics

O&S statutory guidance recommends that a 'lens' or key set of priorities be established by O&S committees, to clearly communicate their role and how they will add value to the work of the organisation. The statements also clarify the role of the committee to the public.

Established lenses provide a tool to assist O&S members in work programming, to sift suggestions for work into a realistic annual work programme for each committee and should be referred to throughout the year as arising suggestions for work are made.

O&S Board and Environment and Place O&S Committees agreed lenses in 2024. Children's Services and Health and Adult Social Care O&S Committees have not yet considered the application of lenses to their work. Lenses are set out below. It is suggested that these lenses be reviewed annually to ensure they remain fit for purpose.

The **O&S Board** will approach work through a lens of **RESIDENT IMPACT AND EXPERIENCE**, such as considering:

- benefits that could be brought to residents by **delivering services** in different ways
- how the areas of highest **financial risk** for the council may impact on residents
- the council's **relationship with the public** and work that can be done to strengthen this.

The **Environment & Place O&S Committee** will approach work through a lens of **SUSTAINABILITY**, with a specific focus on the following priorities, drawn from the Corporate Strategy:

- **Climate change** is tackled through sustainable policies and practice
- Our **green spaces flourish** and support the wellbeing of being people and nature
- Our communities have pride in our **streets, neighbourhoods and public spaces**
- **Good quality homes are** accessible, sustainable and affordable for all

The **Children's Services O&S Committee** will approach work through a lens ofTBC

The **Health and Adult Social Care O&S Committee** will approach work through a lens ofTBC

3. Using a framework to structure O&S activity:

A framework for supporting different types of scrutiny work is set out in the table below. Scrutiny is split out into **proactive work**, **reactive work** and **pre-decision scrutiny**. When developing this framework, O&S councillors gave a clear steer that they wish to continue to undertake all these elements of scrutiny through their work programmes.

As with the lenses outlined at 2 above, the scrutiny framework will also be used to communicate the role and intentions of the committees to the wider council and the public. It is suggested that the framework be reviewed annually to ensure it remains fit for purpose.

Proactive Scrutiny

What is it?

- Early policy work - work focused on policy development and exploring options for the future. Also described as 'overview work' in BCP.
- Framed as a series of questions or 'key lines of enquiry', to which O&S seeks answers. These are found through the gathering of evidence, with a view to informing future policy.
- Driven by the O&S committee itself, or may be in response to a suggestion from councillors, community or decision makers.
- Less likely to directly align to another piece of work already underway in the council, eg. a cabinet report.
- Fulfils BCP principles of good scrutiny:

'O&S engages in decision making and policy development at an appropriate time to be able to have influence'

'O&S is a member led and owned function'

'O&S enables the voice and concerns of the public to be heard and reflected in the Council's decision-making process'

Examples

Cllr suggestions based on their understanding of local needs, eg:

- What more can we do to meet local people's housing needs?
- To what extent do we as a council as a community understand the likely challenges of climate change, and what action do we need to take?

Method for undertaking scrutiny:

- Either "in committee", as a whole-meeting challenge session followed up by agreement of recommendations at the next meeting, or a short and sharp working group with a group meeting two or three times between meetings.
- Outcomes are unlikely to be met by an officer report – proactive scrutiny relies on councillors scoping and directing the work and asking for specific data, information and evidence to be brought by relevant stakeholders.
- Recommendations are made, usually to Cabinet or Portfolio Holders. They must respond to these recommendations.

Pros and Cons

- ✓ Potential to add significantly more value than other work by using powers to gather evidence from stakeholders, investigate an issue in depth and find solutions. These may be used to inform policy in a significant and meaningful way.
- ✓ Potential to select and scope topics to have maximum positive impact on the communities of BCP.
- ✓ Can generate a clearer set of recommendations that can be communicated in the council and to the public.
- ✓ Easier for O&S to own the programme of work and not be affected by other factors (eg. movement of decisions on the Cabinet Forward Plan).
- ✗ Resource intensive for officers and councillors.
- ✗ May require committee to work more flexibly to find capacity for the depth of work, eg. swapping committee meetings to undertake working group meetings instead.

Method for selection of proactive scrutiny topics:

- Invite suggestions from councillors annually (through work programming workshops)
- Invite suggestions from decision makers for O&S to contribute to developing policies/ decisions.
- Invite suggestions from the public annually (consider how to incorporate into methodology for 2025 work programming)
- Sift suggestions according to the priorities of lenses as set out above ('resident impact and experience' / 'sustainability')
- Agree, scope and plan topics to add maximum value.
- Plan all proactive work on an annual basis to ensure it can be undertaken by an appropriate time to add value and in within resources available.

Pre-decision Scrutiny

What is it?:

- Scrutiny of a report close to the point of decision making – eg. a Cabinet report.
- Predominantly driven by the Cabinet Forward Plan.
- Sits between 'proactive' and 'reactive' scrutiny. Some councils undertake a minimal level of pre-decision scrutiny in favour of greater levels of deep dive investigations. BCP councillors have said that pre-decision scrutiny is an important part of the scrutiny process which they are keen to see stay in place.
- Fulfils BCP principle of good scrutiny:

'O&S contributes to sound decision making in a timely way by holding decision makers to account as a 'critical friend'.

Examples

Scrutiny of Cabinet reports on:

- BCP Local Plan
- BCP 2024/25 budget scrutiny & MTFP update reports
- Various policies prior to Cabinet/ Council decision

Method for undertaking scrutiny:

- In committee, consideration of a report already written for Cabinet. Report considered approximately 10 working days prior to the Cabinet meeting.
- Any recommendations or comments made on the report are formally passed to the next Cabinet meeting.
- The O&S Chairman will attend the Cabinet meeting to report recommendations and/or give a summary of comments made at O&S.
- Cabinet must consider any **formal recommendations** made and respond.

Pros and Cons

- ✓ Publicly demonstrates that decision makers are held to account.
- ✓ Less resource intensive – reports already written for Cabinet.
- ✗ Reactive – hard to plan agendas and relies on a well populated Cabinet Forward Plan to timetable work.
- ✗ Limited impact vs time spent. O&S is unlikely to be able to have much influence on fully developed policy and decisions.
- ✗ Potential to establish a ‘shadow cabinet’ and for meetings to become political, which must be managed effectively by O&S Chairs.
- ✗ Potential for Cabinet scrutiny to overwhelm agendas - can lead to additional/ long meetings which can limit effectiveness of scrutiny.
- ✗ Potential to duplicate other scrutiny opportunities – eg. full council debate.

Method for selection of pre-decision scrutiny topics:

- Establish a programme of informal, Teams based briefing sessions at a frequency which can be accommodated by O&S members and support officers. Schedule briefings to provide O&S with information on the key aspects of developing decisions. Aim to hold these as early as possible and at least 3 months prior to the decision to be made. Chairs and Vice Chairs take the lead in this, using the Cabinet Forward Plan and informal discussions with decision makers.
- Using the information provided at briefings and the agreed O&S lenses to determine which forthcoming Cabinet decisions will benefit from a councillor maintaining a watching brief and reporting back (rapporteur) or ultimately pre-decision scrutiny at committee.
- Give notice as early as possible of those items required for pre-decision scrutiny, to enable report authors to work to the relevant O&S timescales.
- Provide regular reporting on out of committee activity into a committee meeting via Chair, to maintain transparency of O&S activity.
- Note – this framework for selecting pre-decision scrutiny is expected to significantly reduce the number of Cabinet reports being considered by O&S committees but will require a commitment from decision makers to share information with O&S in a different way that is both open and timely. The proposed format will also provide decision makers with the opportunity to surface issues with the wider membership of the council prior to decision making and to gather informal input to shape direction of policy.

Reactive Scrutiny

What is it?:

- Emerging issues that arise throughout the year and can't easily be planned for in advance.
- Usually a significant issue of concern or risk to the council, residents or external bodies (eg. Ofsted or Government department)
- Fulfils BCP principles of good scrutiny:

*'O&S contributes to sound decision making in a timely way by holding decision makers to account as a 'critical friend';
'O&S is agile – able to respond to changing and emerging priorities at the right time with flexible working methods'
'O&S Contributes to and reflects the vision and priorities of the council';*

Examples

- Targeted scrutiny on council finances at the end of 2022 following concerns about in-year budget
- Safety valve scrutiny at Children's O&S Committee
- Best Value and Assurance Review reports.
- Decisions 'called in' by O&S

Method for undertaking scrutiny

- O&S Councillors review a suite of information regularly outside of the committee space – eg. corporate performance reports, medium term financial plan updates, complaints data or resident surveys.
- 'Red flags' are elevated to committee for more formal scrutiny to take place. Usually, a report is requested from officers.
- Any recommendations or comments made on the report are formally passed to the relevant decision maker, usually Cabinet/ Council.
- Cabinet/ Council must consider the recommendations made and respond.
- O&S may ask to receive regular updates outside of committee, to maintain a closer eye on the matter until it is resolved.

Pros and Cons

- ✓ Important governance mechanism to assist the council in resolving issues of concern.
- ✓ Provides public demonstration of scrutiny on issues that may be causing press interest or community concern and gives opportunity for public to engage.
- × Limited impact vs time spent. O&S may ask decision makers to reconsider an issue or make recommendations expressing concerns but cannot change a decision.
- × Can disrupt workplans owing to the need to scrutinise a matter quickly.
- × Potential to duplicate other scrutiny opportunities – eg. full council debate.

Method for selection of reactive scrutiny topics:

- Committee members 'horizon scan' by reviewing a suite of information on a regular basis in their own time. These are provided by email or in a designated webspace. Rapporteurs may be established to monitor designated areas of interest, sharing the load across the committee.
- Emerging trends or red flags are raised by committee members informally to the Chair & Vice Chair.
- Chair and Vice Chair take the lead in raising concerns with relevant decision makers and seeking more information. Using this information and the lenses established by committees, they determine which matters warrant elevating to committee.
- In all cases, O&S will prioritise work where it can have the most value and will avoid duplicating efforts underway elsewhere in the council to resolve arising issues. Priority will therefore be given either to those areas of highest concern and which are generating significant public and media attention; where data trends indicate that concerns are at risk of becoming embedded, or where attempts to find solutions by Cabinet or service areas have not worked.

- For these matters, a report is requested to the next available committee meeting for more formal and forensic scrutiny to take place. Work plans may be adjusted to make room for this arising work within existing resources.
- Following formal scrutiny, O&S may ask to receive regular updates outside of committee, to maintain a closer eye on the matter until it is resolved.
- Nb. 'Call-in' decisions will follow a separate process as outlined in the constitution.

4. Next steps

- The O&S Board and Environment and Place O&S Committees have adopted this framework and agreed lenses for their work.
- In 2024, all remaining O&S committees will be asked to adopt this framework and establish lenses or a limited set of high-level priorities.
- The framework will accompany all work programme reports to committee and should be referred to as a structure to underpin ongoing work programming activity.
- The framework will be reviewed annually by O&S Chairs, and lenses reviewed annually by O&S Committees in annual work programming, to ensure they remain fit for purpose.