

## Practice guide 13

# Working with other local scrutineers

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**This is one of a series of practice guides produced by the Centre for Public Scrutiny to assist those working in the overview and scrutiny functions of local authorities.**

### What is this guide about?

This is a guide about working with others, outside the council, who have a role in holding public service providers to account. It explains who those people are, the areas they work in, the powers they have, and ways in which work might be carried out in order to be mutually beneficial.

The guide also tackles the challenges which arise in working with other scrutineers whose role also involves decision-making (ie, where there are scrutiny and decision-making roles exercised often simultaneously by the same people).

### Why is it important to work with other local scrutineers?

There are two main principles here:

- Local government scrutiny operates with limited resources (see [Guide 12](#)). It is impossible for council scrutiny functions on their own to investigate and have consistent oversight over the services provided to local people;
- Local government business – the business of improving the lives of people in a given geographical area – involves a huge range of different partners, with different operational models and governance arrangements. Such arrangements should involve the sharing of scrutiny, alongside shared decision-making, in the interest of streamlining governance.

The Francis Inquiry's final report highlighted the importance of understanding that a shared responsibility exists in holding services to account. In the case of the Stafford Hospital scandal, which the Francis Inquiry was looking at, an excess number of avoidable deaths was not identified because those responsible for looking at performance data, and holding managers to account, did not share information, liaise, and use that data to challenge how services were being delivered. Information was not gathered and collated in a way that gave the full picture, including to those outside the hospital. This provides a clear example of the benefits of this kind of joint working – and the risks that occur when it does not happen. This applies not only in relation to health, but across the delivery of public services in a local area.

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## Who are the other scrutineers, and what are their powers?

Other kinds of formal scrutiny exist in a variety of sectors.

### Local government

- Other tiers of government. The scrutiny function in a district might seek to hold a county council to account, for example (the powers to allow this having been introduced by the Localism Act). A parish, town or community council could also, under certain circumstances (such as environmental services) be seen as exerting a scrutiny role, on occasion. In London, the London Assembly is a regional body with a clearly defined scrutiny role;
- Neighbourhood and area structures established by the authority. These can provide local people with an opportunity to hold the authority to account, particularly where their agendas are managed by local people;
- In England, the Local Government Association is responsible for carrying out “corporate peer challenges” (and peer challenges for particular services) which sees councillors and professionals assisting their colleagues from other authorities to improve. These exercises should be seen as a key source of evidence for overview and scrutiny. More information can be found at <http://ow.ly/wQiVU>;
- In Wales, the Wales Audit Office operates the Wales Programme for Improvement, which sees them working closely with overview and scrutiny at local level. More information on WPI and scrutiny can be found at <http://ow.ly/wQj5F>.

### Health

- In England, Local HealthWatch was established to hold local health bodies to account under the Health and Social Care Act 2012. Any investigation or review of health related issues, and reviews involving NHS trusts, will probably need to involve HealthWatch at some level. We have produced guidance on the relationship between HealthWatch and scrutiny which can be found at <http://ow.ly/wQjia>;
- In England, the Care Quality Commission is a national body with local representatives, responsible for holding to account health and social care providers through the use of research and inspection. CQC reports will be useful to scrutiny – equally, work carried out between CQC and CfPS has suggested that joint working and information sharing on issues of mutual interest may be productive. This work can be downloaded at <http://ow.ly/wQjCc>;
- In Wales, Community Health Councils are independent bodies which hold local health boards to account, in a similar way to the health scrutiny function of local authorities in England.

### Education

- School governing bodies hold the school’s head teacher to account as well as being responsible for decision-making. Overview and scrutiny committees, in looking at broader issues related to children’s services, might need to engage with governing bodies to understand the role of schools in this work. Sometimes, this work can be facilitated by parent governor representatives or other education co-optees (in upper-tier authorities);
  - In Wales, Estyn is the national body responsible for inspecting schools. It sits within the context of an education environment which is seeing schools being encouraged to enter into federations,
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and with such collaborative structures given more power to act autonomously. Strong accountability arrangements are central to this aspiration, Joint education scrutiny committees are mooted to provide some of this accountability; close work with Estyn will be required to ensure that these arrangements work effectively.

## Policing

- Police and Crime Panels are bodies made up of elected councillors, and some independent co-optees, with a legal role in scrutinising and supporting the Police and Crime Commissioner – who has a scrutiny role him/herself (see below). They have particular statutory duties, for which see LGA/CfPS guidance on the subject, <http://ow.ly/wQiSy>. This guidance also highlights the need for the PCP to engage with the community safety scrutiny functions of local authorities in the Force area;
- Police and Crime Commissioners are responsible for holding a Force's Chief Constable to account. Although local government overview and scrutiny has no legal right to hold the PCC to account, work on community safety issues could feed in to the PCC's work, and PCCs themselves could contribute to reviews on community safety issues;

## Other areas

- In England, tenant scrutiny panels are part of the “co-regulatory” system of accountability which has existed for social housing since the abolition of the Tenant Services Authority (TSA). Tenant scrutiny sits alongside the role of the Homes and Communities Agency and the Housing Ombudsman; panels are there to champion the interests of tenants and to hold social landlords to account on their behalf. CfPS produced detailed guidance on this in 2012 which can be found at <http://ow.ly/wUMd7>.
- In different parts of the country different groups will exist to hold to account transport providers. In some areas these will be informal pressure or user groups. In others – especially areas with Integrated Transport Authorities – there may be more formal structures. Some ITAs have their own scrutiny committee. CfPS has produced a [Policy Briefing on local transport issues](#) which can be downloaded at <http://ow.ly/wUMl1>;
- In many areas there are partnership or collaboration boards (with varying degrees of formality) on which partners hold each other to account for their performance. Sometimes, more formal arrangements have been established to allow those boards or groups to be scrutinised (particularly with combined authorities, but also with Local Enterprise Partnerships). CfPS has recently completed research on accountability arrangements relating to local growth, which has yet to be published at the time of writing;
- The press, and local bloggers, also have an important role in holding decision-makers to account – the opportunity to work with journalists should be taken, as well as ensuring that scrutiny is as open as possible with journalists as it carries out its work;
- The public can also be considered to be fellow scrutineers. We cover public engagement in more depth in [Guide 10](#).

## What approaches to joint work might be particularly productive?

There will be sensitivities to bear in mind when considering how and when to seek to engage with other local scrutineers.

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- What exactly are your, and their, expectations? Misunderstandings about what overview and scrutiny is trying to achieve, and what other scrutineers are doing, can hinder the development of positive working relationships.
  - What are their own powers and lines of accountability? In hierarchical organisations or sectors (for example, where lines of accountability are seen as ultimately passing upwards to a Government Minister), people may feel that engaging with overview and scrutiny makes a formal commitment to being held to account by local government.
  - What are the timing and resource implications? Some other scrutineers may have resource, and other, limitations. In order for joint working to be productive there will need to be an understanding on the part of local authority scrutineers that others will need to be given not only a justification for engaging but an incentive for doing so – a commitment to improving services in a way that links closely to the other organisation’s priorities.

Timing is critically important. Other scrutineers will need to be engaged early on, when a piece of work is being planned. Plenty of time will need to be given to ensure that they can secure clearance to work with you. Once you have started to develop a relationship, pursuing other pieces of work in the future is likely to be more straightforward. It may be that your relationship is such that you will develop some kind of informal agreement or protocol to define how you will work together in the future.

#### What might joint work look like?

Joint work could constitute any one (or more) of a number of different approaches. The below is not an exhaustive list.

- Informal information sharing. It might prove useful to periodically share information about issues of mutual interest. Some councils have protocols with partners which seek “proactive” publication of information (**Merton**, <http://ow.ly/wUPzG>) without going into detail, which will presumably have an impact on the scrutiny carried out by those partners. Others adopt more specific arrangements – for example, those adopted in **Norfolk** (<http://ow.ly/wUPvL>) for relationships between the Police and Crime Panel and community safety scrutiny;
- Informal joint work. Two or more sets of scrutineers might identify a common area which deserves further research. Joint background work could be carried out to inform two separate pieces of research, which would have different focuses on account of the different organisations involved, but the pieces of work would be designed to dovetail together. In a number of county areas, scrutiny functions from the districts and the county council (and sometimes, unitary authorities in close proximity) this informal sharing happens, supported by occasional county-wide scrutiny meetings or conferences. Recent examples of such events have occurred in **Buckinghamshire** and **Derbyshire**;
- Formal joint work. Two sets of scrutineers might come together – perhaps as a joint task group, or on a committee onto which people from other scrutiny bodies are co-opted – to carry out an investigation together, leading to a combined report with recommendations for two or more separate organisations.

#### Being approached by other scrutineers

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It will happen that an approach might be made to a local authority's overview and scrutiny function by another local scrutineer. Under these circumstances, it will be necessary to consider the value that joint work might add to the authority, and how such work might fit in with the existing work programme.

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