
PERFORMANCE MONITORING ROLE OF SCRUTINY AND CODE OF PRACTICE

Report by Service Director Strategy and Policy

SCRUTINY COMMITTEE

29 January 2015

1 PURPOSE AND SUMMARY

- 1.1 This report gives further details of the performance monitoring role of Scrutiny in relation to the Council's Executive Committee and seeks approval for a suggested Code of Practice for Scrutiny.**
- 1.2 At its meeting on 20 November 2014, Council approved a new Scheme of Administration which reintroduced a Scrutiny Committee to the Council's formal decision making structure. Both Scrutiny and Executive Committees have different roles to play in terms of performance monitoring and it is therefore important to ensure that these are sufficiently delineated.
- 1.3 In essence, the Executive Committee's focus will be on performance management i.e. the way in which services and resources are managed. In this way, the Executive Committee can satisfy itself that Services are being delivered and managed effectively, and determine what action should be taken in the event of any concerns.
- 1.4 The Scrutiny Committee is responsible for holding the Executive Committee to account and Scrutiny's focus will be on monitoring and review. The Scrutiny Committee could satisfy itself that standards of performance or measures for assessing performance are sufficiently realistic and/or rigorous e.g. by ensuring no issues or concerns have been overlooked or marginalised; and also that the Executive Committee (and the Services) have done what they said they would do or that the intended outcome of actions has been achieved, in particular in relation to any significant variances which might have occurred. Scrutiny also has a role in monitoring the impact of Council services on the Borders community.
- 1.5 It is further suggested that Scrutiny adopts a set of principles and characteristics in the form of a Code of Practice with which it will comply in its work going forwards.

2 RECOMMENDATIONS

- 2.1 I recommend that the Scrutiny Committee:-**
 - (a) notes the different roles between the Council's Scrutiny and Executive Committees with regard to performance monitoring; and**

(b) approves the proposed Code of Practice for Scrutiny as detailed in Section 5 of this report.

3 BACKGROUND

- 3.1 At its meeting on 20 November 2014, Council approved a new Scheme of Administration which reintroduced a Scrutiny Committee to the Council's formal decision making structure.
- 3.2 Within the Scheme of Administration, the following functions of Council are referred to the Scrutiny Committee:
- *1. Monitoring the performance of the Authority towards achieving its policy objectives and priorities in relation to all functions of the Council.
 - *2. Reviewing the effectiveness of all the Council's work against agreed standards, targets and budgets for the levels of services provided.
 3. Acting as a focus for value for money and service quality exercises.
 - #4. Management of the "Call in" procedure for the examination of decisions of the Executive.
 5. Any other matter referred to the Committee for consideration by Council or the Executive.
- 3.3 Those functions above marked with * are referred to the Committee for consideration and recommendation only and must receive approval of the Council. The function marked with # is referred to the Committee for consideration and any recommendations must receive approval of the Executive Committee.
- 3.4 The Council's Executive Committee also has within its functions the following –
1. Consider regularly Council performance against:
 - The Single Outcome Agreement
 - Corporate and Improvement Plans, including policy objectives and priorities
 - Relevant Business Plan actions and initiatives
 - Statutory Performance Indicators and the Annual Public Performance Report
 - Key performance indicators and other relevant performance indicators
 - Business Transformation
 - Best Value
 2. Identify the requirement for any in-depth policy or practice review work arising from the monitoring of performance and refer to the appropriate Committee and/or Director, as necessary.

4 PERFORMANCE MONITORING

- 4.1 It is considered that one of the fundamental purposes of Scrutiny is – by monitoring, reviewing and evaluating Council services – to help the Council achieve the highest possible standards of performance in relation to the way in which it carries out its business.

- 4.2 It is important to ensure that the role of the Scrutiny Committee and the role of the Executive Committee in terms of performance monitoring is therefore sufficiently delineated. In essence, the Executive Committee's focus will be on performance management i.e. the way in which services and resources are managed. In this way, the Executive Committee can satisfy itself that Services are being delivered and managed effectively, and determine what action should be taken in the event of any concerns.
- 4.3 The Scrutiny Committee is responsible for holding the Executive Committee to account and Scrutiny's focus will be on monitoring and review. The Scrutiny Committee could satisfy itself that standards of performance or measures for assessing performance are sufficiently realistic and/or rigorous e.g. by ensuring no issues or concerns have been overlooked or marginalised. The Scrutiny Committee could also satisfy itself that the Executive Committee (and the Services) have done what they said they would do or that the intended outcome of actions has been achieved, in particular in relation to any significant variances which might have occurred.
- 4.4 Scrutiny also has a role in monitoring the impact of Council services on the Borders community. This could be achieved by carrying out reviews from a cross-cutting perspective in order to satisfy itself that the Council's services are addressing the needs of the Borders community, albeit within policy and resources available.
- 4.5 It is suggested that to take this role forward, the Scrutiny Committee considers establishing a programme of reviews.

5 CODE OF PRACTICE

- 5.1 In previous iterations of a Scrutiny Committee within Council, Members have agreed a Code of Practice to show its accountability to a wide range of stakeholders, from other Members, officers, and organisations to the general public.
- 5.2 It is suggested that the new Scrutiny Committee's function will encompass the following principles:
 - (a) maintaining a focus on substantive issues;
 - (b) maintaining an apolitical, non-partisan approach to its investigations;
 - (c) being proactive and innovative in its work, not solely reactive;
 - (d) ensuring flexibility in the way it works;
 - (e) using an inclusive and corporate approach, drawing in appropriate elements out-with the members of Scrutiny themselves;
 - (f) carrying out reviews and investigations in a manner that is intensive, thorough, proportional, and – above all – objective and informed;
 - (g) any findings and conclusions of reviews and investigations being presented in a constructive manner that helps to drive improvement; and,
 - (h) remaining accountable at all times to the Council and to the wider public.

- 5.3 It is further suggested that members of Scrutiny also consider which characteristics they intend to demonstrate individually and collectively when carrying out their work. These could include:
- (a) being honest and open with each other, with colleagues in the Council, and with the wider public;
 - (b) demonstrating courage in the objectivity and the integrity of their work;
 - (c) ensuring that their conclusions are shaped solely on the facts and therefore that their work is carried out in a manner which ensures that all the relevant information is available to them;
 - (d) working to achieve a relationship of mutual respect with other sectors of the Council;
 - (e) demonstrating integrity in relationships with individuals or groups who may be asked to give evidence or provide information to Scrutiny;
 - (f) promoting a non-adversarial manner of working;
 - (g) ensuring that confidentiality is maintained as appropriate;
 - (h) ensuring that all conclusions, findings and recommendations are realistic and capable of being actioned in practice; and
 - (i) ensuring that open communication is maintained, both from and to, stakeholders.
- 5.4 It is suggested that the above principles and characteristics form a Code of Practice to which Scrutiny will comply in its work going forwards.

6 IMPLICATIONS

6.1 Financial

There are no costs attached to any of the recommendations contained in this report.

6.2 Risk and Mitigations

There is a risk that there could be some confusion about the different roles the Scrutiny Committee and Executive Committee will play in monitoring the performance of Council. By delineating the differences in this report, this should reduce that risk. In adopting a Code of Practice, Scrutiny members will have a set of principles and characteristics to apply to all their work going forwards.

6.3 Equalities

It is anticipated that there will be no adverse impact due to the proposals set out in the report on any particular group of clients, residents or staff; and consequently no discrimination on the basis of age, disability, gender, race, sexual orientation, pregnancy and maternity or religion and belief.

6.4 Acting Sustainably

It is anticipated that there will be no adverse economic, social or environmental impact caused by the proposals in this report.

6.5 Carbon Management

There are no effects on the Council’s carbon emissions.

6.6 Rural Proofing

Rural proofing is not required as this is not a new or amended policy or strategy.

6.7 Changes to Scheme of Administration or Scheme of Delegation

No changes are required to either the Scheme of Administration or the Scheme of Delegation as a result of the proposals in this report.

7 CONSULTATION

7.1 The Council’s Corporate Management Team, the Monitoring Officer, the Chief Legal Officer, the Chief Officer Audit and Risk, and the Chief Officer HR have been consulted on the contents of this report.

Approved by

Name David Cressey **Signature**
Title Service Director Strategy and Policy

Author(s)

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Background Papers: Nil

Previous Minute Reference: Scottish Borders Council, 20 November 2014

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