CLACKMANNANSHIRE COUNCIL

Report to: **Clackmannanshire Council**

Date: **4th June 2009**

Subject: **Scrutiny Committee Annual Plan, Code of Practice and Terms of Reference**

Report by: **Convener of the Scrutiny Committee**

1.0   Purpose

1.1.   The purpose of this report is 1) to request Council approval of the Annual Scrutiny Plan agreed by the Scrutiny Committee and attached as Appendix 1; 2) to request Council approval of the Scrutiny Committee Code of Practice, attached as Appendix 2; and 3) to request Council approval of the Scrutiny Committee Terms of Reference, attached as Appendix 3.

1.2.   The Scheme of Delegation requires Council to approve an Annual Scrutiny Plan, agreed by the Scrutiny Committee, that includes details of the 'performance management framework' and requirements for reports on services.

1.3.   It was felt it would be appropriate for Council at the same time to approve the Scrutiny Committee working arrangements, in accordance with best practice.

2.0   Recommendations

2.1.   The Council is recommended:

2.1.1.   to approve the Annual Scrutiny Plan;

2.1.2.   to approve the Scrutiny Committee Code of Practice;

2.1.3.   to approve the Scrutiny Committee Terms of Reference; and

2.1.4.   to authorise the Scrutiny Committee Portfolio Holder to agree and amend the timing of certain reports in the Annual Scrutiny Plan as the Committee deems appropriate.

3.0   Considerations

3.1.   The remit of the Scrutiny Committee is set out in the Scheme of Delegation dated 26 May 2008 as follows:

Evaluating the Council's effectiveness in achieving its corporate priorities through monitoring reports. To highlight instances where targets have not

been met and note changes in resources or responsibilities and to make recommendations to Council as the Committee considers appropriate.

Reviewing performance reports, including reports on Council services, how Council manages its resources (including monitoring of budgets), how it deals with complaints and to make appropriate recommendations to Council.

Considering audit reports, and other reports from outside agencies, on Council services, and making appropriate recommendations or comments to the Council.

Monitoring follow-up work to make sure necessary improvements are made.

Highlighting good performance and exceptional achievement.

Agreeing an annual Scrutiny Plan (approved by Council) that includes details of the 'performance management framework' and requirements for reports on services.

3.2.   In compiling the Plan the Scrutiny Committee have considered the Internal and External Audit Plans which are risk based and met with Internal and External Audit.

3.3.   The Scrutiny Plan outlines the timetable for the presentation of reports within the overall performance management framework and reports on services. This covers Scrutiny Committee meetings over the next 12 months. Also included is clarification of the planning and performance reporting and monitoring process together with responsibilities (current framework included as Appendix 4).

3.4.   In addition, the Committee has agreed the following service reviews to be undertaken during the year, the exact timing of which have yet to be agreed:

3.4.1. The Community Planning framework - to review outcome of the planned review of the Clacks Alliance governance framework. Such review to include methods to improve communications and information provision about community planning in Clackmannanshire for the public, partner agencies and other stakeholders and the mechanisms within each of the statutory agencies to enhance accountability in relation to community planning activity;

3.4.2. Educational attainment - research best practice in terms of improving levels of attainment and achievement in secondary schools and recommend way forward, with particular reference to;
•   transition from primary to secondary
•   outcomes for S1 and S2
•   disadvantaged children
•   attainment and achievement

3.4.3.   Adaptations - research options for developers to better provide disabled access outlining pros and cons and, experience from the Council's own approach to disability design and grants for disabled adaptations is examined as part of this exercise; and

3.4.4. Performance Improvement proposals for each of the following areas identified from recent SPI performance reporting: Corporate Management; Culture and Community Services; Housing; Waste Management and Roads and Lighting.

3.5. The Committee itself have also drafted Working arrangements for the Scrutiny Committee.

3.6. These working arrangements include a Code of Practice and Terms of Reference.

3.7. Future Annual Scrutiny Plans will consider the Accounts Commission's approach to the second phase of Best Value audits ('BV2') and utilise data from the Public Service Improvement Framework programme, linked to the Council's risk register. At present services are expected to undertake a PSIF assessment once every three years, however, given the benefits already apparent, officers are considering how the programme could be accelerated.

3.8. The Scrutiny Committee will seek to identify best practice from other Councils in carrying out its role.

4.0   Sustainability Implications

4.1.   None.

5.0   Resource Implications

5.1.   Financial Details

5.2.   At this stage it is not anticipated that there are any direct financial implications arising from this report that are not contained within the overall existing Council budget. If this changes during the year a further report will come back to Council for approval if required.

5.3.   Staffing

5.4.   Officers will be required to support the Scrutiny Committee. Most of the work on the Annual Scrutiny Plan is already in officer workplans, however, the three additional service/performance reviews proposed will require additional support from officers. The amount of this support has not yet been quantified.

6.0   Exempt Reports

6.1.   Is this report exempt?   Yes ☐ (please detail the reasons for exemption below)   No ☑

7.0   Declarations

The recommendations contained within this report support or implement our Corporate Priorities and Council Policies.

(1) **Our Priorities 2008 - 2011** (Please tick ☑)

The area has a positive image and attracts people and businesses	☐
Our communities are more cohesive and inclusive	☐
People are better skilled, trained and ready for learning and employment	☐
Our communities are safer	☐
Vulnerable people and families are supported	☑
Substance misuse and its effects are reduced	☐
Health is improving and health inequalities are reducing	☐
The environment is protected and enhanced for all	☐
The Council is effective, efficient and recognised for excellence	☑

(2) Council Policies (Please detail)

Improved quality of public services.

8.0 Equalities Impact

8.1 Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations?

Yes ☑   No ☐

9.0 Legality

9.1 In adopting the recommendations contained in this report,   Yes ☑
the Council is acting within its legal powers.

10.0 Appendices

10.1 Please list any appendices attached to this report. If there are no appendices, please state "none".

   1. **Annual Scrutiny Plan**

   2. **Scrutiny Committee Code of Practice**

   3. **Scrutiny Committee Terms of Reference**

   4. **Planning and Performance Reporting and Monitoring Process**

11.0 Background Papers

11.1 Have you used other documents to compile your report? (All documents must be kept available by the author for public inspection for four years from the date of meeting at which the report is considered)

Yes ☑ (please list the documents below)   No ☐

   1. **Sustainability Checklist**

   2. **Scheme of Delegation**

Author(s)

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Donald Balsillie	Scrutiny Committee Convener	452015

Approved by

NAME	DESIGNATION	SIGNATURE
Councillor Donald Balsillie	Convener of the Scrutiny Committee	D Balsillie (signed)

Appendix 1 – Scrutiny Committee Annual Plan

Date	Reports
15 January 2009	Budget Monitoring Reports: General Fund Revenue General Services Capital Housing Revenue & Capital CSBP Clackmannanshire Investments Ltd/CSBP Clackmannanshire Developments Ltd Education and Community Services Standards and Quality Report External Audit Report Scrutiny Committee Timetable
26 February 2009	Third Quarter Balanced Scorecard SPI Report - Comparison with Other Councils Internal Audit Update Report Equal Opportunities Best Value Progress Report
9 April 2009	Budget Monitoring Reports: General Fund Revenue General Services Capital Housing Revenue & Capital The Housing Inspection Improvement Plan Update Best Value Progress Report : BVR Progress & PSIF Annual Report Annual Audit Plan 2008/2009 Internal Audit Strategy 2009-12 and Annual Plan 2009-10 Scrutiny Committee Timetable
21 May 2009	Quality Report - Adult Day Service End of Year Balanced Scorecard Joint Trading Standards Service Performance Annual Report Scrutiny Committee Annual Audit Plan, Code of Practice and Terms of Reference
25 June 2009	SWIA Action Plan Progress Quality Report - Older People Risk Management : End of Year Risk Management Progress Report Best Value Progress Report : Performance Management & Improvement Performance Improvement proposals - Corporate Management Clarification of the Performance Reporting and Monitoring Process together with Responsibilities Corporate Plan 2008-2011 : End of Year Progress Report Internal Audit Update Report to 31 March 2009
10 September 2009	Following the Public Pound HMIE Action Plan Progress First Quarter Balanced Scorecard SPIs 2008/09 - Clackmannanshire Council Performance Internal Audit Update Report to 30 June 2009 Performance Improvement proposals - Culture and Community Services Single Outcome Agreement 2008/09 : End of Year Progress Report
22 October 2009	Budget Monitoring Reports: General Fund Revenue General Services Capital Housing Revenue & Capital Education and Community Services Standards and Quality Report The Housing Inspection Improvement Plan Update Performance Improvement proposals - Housing

Date	Reports
3 December 2009	SWIA Action Plan Progress Second Quarter Balanced Scorecard Risk Management Progress Report Internal Audit Update Report to 30 September 2009 Performance Improvement proposals - Waste Management

14 January 2010	Budget Monitoring Reports: General Fund Revenue
	                                        General Services Capital
	                                        Housing Revenue & Capital
	Corporate Parenting Progress
	Performance Improvement proposals - Roads and Lighting

25 February 2010	Third Quarter Balanced Scorecard SPI 2008/09 - Comparison With Other Councils Best Value Progress Report : Sustainable Development Best Value Progress Report : Equal Opportunities Internal Audit Update Report to 31 December 2009 Annual Audit Plan 2010/2011

8 April 2010	Budget Monitoring Reports: General Fund Revenue
	                                        General Services Capital
	                                        Housing Revenue & Capital
	Best Value Progress Report : BVR Progress & PSIF Annual Report
	Best Value Progress Report : Customer Satisfaction & Responsiveness

20 May 2010	End of Year Balanced Scorecard Corporate Plan 2008-2011 : End of Year Progress Report Internal Audit Update Report to 31 March 2010 Annual Audit Report 2009/10
24 June 2010	Risk Management : End of Year Risk Management Progress Report Best Value Progress Report : Performance Management & Improvement

Food Standards Agency Inspection Report - timing to be advised by Garry Dallas.

In addition the Committee has agreed the following service reviews to be undertaken during the year, the exact timing of which have yet to be agreed:

- The Community Planning Framework
- Educational attainment
- Adaptations - process and funding thereof.

Appendix 2 – Scrutiny Committee

Code of Practice

- The Ethos of Scrutiny,

- Ways of Working in Scrutiny,

- Scrutiny Working With Others,

- Scrutiny Output.

The Ethos of Scrutiny

Clackmannanshire Council's Scrutiny Committee in discharging its functions will endeavour to :

- Promote, champion and widely communicate the purpose, values and work of Scrutiny, both individually and collectively,

- Examine policy implementation, processes and performance,

- Promote effective delivery of services by examination and development of best practice,

- Take both a broad view and, when necessary, undertake detailed examination of specific issues,

- Generate ideas and solutions to problems,

- Strive to improve communications between the Council and the public,

- Be proactive in identifying and focusing on issues of most concern to the public and relevant to the aims and objectives of the Council.

Ways of Working in Scrutiny

The Scrutiny Committee operates on delegated powers from full Council. It does not make decisions in its own right. Its findings and conclusions are referred back to Council for decision making.

Scrutiny members will, both individually and collectively, be committed to working in a way that is :

- Transparent,

- Positive,

- Flexible and innovative,

- Impartial,

- Critical but constructive,

- Non-adversarial,

- Cross-party,

- As far as possible be free from Party politics.

Scrutiny Working with Others

The Scrutiny Committee will :

- Encourage others to participate in the work of Scrutiny,
- Make it clear what is required of anyone assisting Scrutiny,
- Ensure that confidentiality is maintained where this is needed,
- Treat everyone with respect against a background of mutual trust,
- Demonstrate impartiality and integrity.

Scrutiny Output

Recommendations made by Scrutiny and any Scrutiny Task Group will aim:

- To be constructive,
- To provide practicable solutions to problems,
- To improve the way the Council works,
- To be clear and based on sound evidence,
- To provide Best Value.

The ultimate aim is for a better Clackmannanshire.

Appendix 3 – Scrutiny Committee

Terms of Reference

Meeting Arrangements

Meetings will be held in public for the most part, unless private business covered by the Local Government (Scotland) Act 1973 is being considered. Meetings will only take place provided that there is sufficient relevant business.

Main Role

The emphasis of the work of Scrutiny will be that it should be proactive and positive rather than adversarial and negative. The main role of Scrutiny, will be to :

- monitor the performance of services against agreed standards, targets and budgets,

- in accordance with following the public pound, to monitor the performance of arms-length and external organisations that receive funds from the Council to provide important services to the public, or to provide social benefits,

- promote internal control by the systematic appraisal of the authority's risk management processes,

- initiate or undertake reviews as approved by Council.

Monitoring Performance

Scrutiny will receive periodic reports which review the position against the standards and targets set out in documents such as :

- the Corporate Plan, and

- the Annual Budget.

Scrutiny will receive the following reports and also accompanying analyses :

- draft Annual Public Performance Reports prior to their publication,

- External Audit reports and action plans resulting from such,

- Internal Audit update reports and action plans resulting from such,

- balanced scorecards,

- performance indicators submitted annually to Audit Scotland,

- summary reports of all Comments and Complaints, and

- internal audit results of investigations.

Scrutiny will also:

- consider and monitor the operational and strategic internal audit plans,

- review internal audit performance,

- monitor and review actions taken on internal and external audit recommendations,

- monitor progress on service inspection action plans.

Review

Scrutiny's remit to carry out service or policy reviews will require it to prepare and implement programmes for its own work. Proposed work programmes will be submitted from Scrutiny to the Council for approval. In preparing recommendations for work programmes, Scrutiny will be able to receive suggestions or proposals from the following sources :

- items or issues identified by Scrutiny itself;

- items referred to Scrutiny by the Administration and/or Opposition;

- items referred by the Council directly to Scrutiny; and

- items referred to Scrutiny from wider stakeholders – potentially including partner agencies etc.

A scoring system will be used to assess proposals for service and policy reviews.
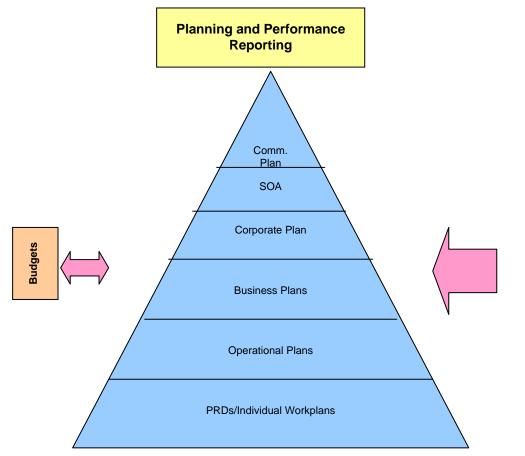
Reports on reviews will be submitted to the Scrutiny Committee who can refer to full Council.

Task Groups (short life consultative groups)

Scrutiny may, at its discretion, set up short-term task groups for review work. These task groups will permit the involvement of members of Scrutiny, together where appropriate with other front-line Councillors, officers, community stakeholders, other agencies, businesses and expert witnesses. Portfolio Holders will not be permitted to be involved in Scrutiny Task Groups.

The task groups will not be decision-making bodies or formal committees as laid down in statute but will make recommendations to Scrutiny. The Council agrees that such meetings would be held in private, unless the task group decides otherwise and the notes of the meeting will not be made available to the public.

Appendix 4 – Planning and Performance Reporting and Monitoring Process

Planning and Performance Reporting

Performance Monitoring

Budgets

Pyramid (top to bottom):
- Comm. Plan
- SOA
- Corporate Plan
- Business Plans
- Operational Plans
- PRDs/Individual Workplans

Annually by Alliance & Council	*To be determined*
Bi-annually by Alliance & Scrutiny Committee Annually by Scottish Government	*SOA performance indicators*
Annually by Scrutiny Committee	*Corporate Plan indicators*
Bi-annually by Executive Directors' meeting	*Business plan action plans and indicators*
Monthly by service management teams	*Operational plans actions and performance indicators*
Bi-annually by individuals & line managers	*Individual performance review and development plans*
Minimum monthly by individuals & line managers	*Individual project and workplan actions*