

Overview and Scrutiny Committee

Mon 16 Feb
2009
7.00 pm

Committee Room Two
Town Hall
Redditch



www.redditchbc.gov.uk

Access to Information - Your Rights

The Local Government (Access to Information) Act 1985 widened the rights of press and public to attend Local Authority meetings and to see certain documents. Recently the Freedom of Information Act 2000, has further broadened these rights, and limited exemptions under the 1985 Act.

Your main rights are set out below:-

- Automatic right to attend all Council and Committee meetings unless the business would disclose confidential or “exempt” information.
- Automatic right to inspect agenda and public reports at least five days before the date of the meeting.
- Automatic right to inspect minutes of the Council and its Committees (or summaries of business undertaken in private) for up to six years following a meeting.
- Automatic right to inspect lists of background papers used in the preparation of public reports.
- Access, upon request, to the background papers on which reports are based for a period of up to four years from the date of the meeting.
- Access to a public register stating the names and addresses and electoral areas of all Councillors with details of the membership of all Committees etc.
- A reasonable number of copies of agenda and reports relating to items to be considered in public must be made available to the public attending meetings of the Council and its Committees etc.
- Access to a list specifying those powers which the Council has delegated to its Officers indicating also the titles of the Officers concerned.
- Access to a summary of the rights of the public to attend meetings of the Council and its Committees etc. and to inspect and copy documents.
- In addition, the public now has a right to be present when the Council determines “Key Decisions” unless the business would disclose confidential or “exempt” information.
- Unless otherwise stated, all items of business before the Executive Committee are Key Decisions.
- (Copies of Agenda Lists are published in advance of the meetings on the Council’s Website:
www.redditchbc.gov.uk

**If you have any queries on this Agenda or any of the decisions taken or wish to exercise any of the above rights of access to information, please contact
Jess Bayley and Helen Saunders
Overview and Scrutiny Support Officers**

**Town Hall, Walter Stranz Square, Redditch, B98 8AH
Tel: 01527 64252 (Ext. 3268 / 3267) Fax: (01527) 65216
e.mail: jess.bayley@redditchbc.gov.uk / helen.saunders@redditchbc.gov.uk
Minicom: 595528**

Welcome to today's meeting.

Guidance for the Public

Agenda Papers

The **Agenda List** at the front of the Agenda summarises the issues to be discussed and is followed by the Officers' full supporting **Reports**.

Chair

The Chair is responsible for the proper conduct of the meeting. Generally to one side of the Chair is the Committee Support Officer who gives advice on the proper conduct of the meeting and ensures that the debate and the decisions are properly recorded. On the Chair's other side are the relevant Council Officers. The Councillors ("Members") of the Committee occupy the remaining seats around the table.

Running Order

Items will normally be taken in the order printed but, in particular circumstances, the Chair may agree to vary the order.

Refreshments : tea, coffee and water are normally available at meetings - please serve yourself.

Decisions

Decisions at the meeting will be taken by the **Councillors** who are the democratically elected representatives. They are advised by **Officers** who are paid professionals and do not have a vote.

Members of the Public

Members of the public may, by prior arrangement, speak at meetings of the Council or its Committees. Specific procedures exist for Appeals Hearings or for meetings involving Licence or Planning Applications. For further information on this point, please speak to the Committee Support Officer.

Special Arrangements

If you have any particular needs, please contact the Committee Support Officer.

Infra-red devices for the hearing impaired are available on request at the meeting. Other facilities may require prior arrangement.

Further Information

If you require any further information, please contact the Committee Support Officer (see foot of page opposite).

Fire/ Emergency instructions

If the alarm is sounded, please leave the building by the nearest available exit – these are clearly indicated within all the Committee Rooms.

If you discover a fire, inform a member of staff or operate the nearest alarm call point (wall mounted red rectangular box). In the event of the fire alarm sounding, leave the building immediately following the fire exit signs. Officers have been appointed with responsibility to ensure that all visitors are escorted from the building.

Do Not stop to collect personal belongings.

Do Not use lifts.

Do Not re-enter the building until told to do so.

The emergency Assembly Area is on the Ringway Car Park.

Declaration of Interests: Guidance for Councillors

DO I HAVE A "PERSONAL INTEREST" ?

- Where the item relates or is likely to affect your **registered interests** (what you have declared on the formal Register of Interests)

OR

- Where a decision in relation to the item might reasonably be regarded as affecting **your own** well-being or financial position, or that of your **family**, or your **close associates** more than most other people affected by the issue,

you have a personal interest.

WHAT MUST I DO? **Declare the existence, and nature, of your interest and stay**

- The declaration must relate to specific business being decided - a general scattergun approach is not needed
- **Exception** - where interest arises only because of your membership of another **public body**, there is no need to declare unless you **speak** on the matter.
- You **can vote** on the matter.

IS IT A "PREJUDICIAL INTEREST" ?

In general only if:-

- It is a personal interest **and**
 - The item affects your **financial position** (or conveys other benefits), or the position of your **family, close associates** or bodies through which you have a **registered interest** (or relates to the exercise of **regulatory functions** in relation to these groups)
- and**
- A member of public, with knowledge of the relevant facts, would reasonably believe the interest was likely to **prejudice** your judgement of the public interest.

WHAT MUST I DO? **Declare and Withdraw**

BUT you may make representations to the meeting before withdrawing, **if** the public have similar rights (such as the right to speak at Planning Committee).



Overview and Scrutiny

Committee

Monday, 16 February 2009

7.00 pm

Committee Room 2 Town Hall

Agenda

Membership:

Cllrs:	P Mould (Chair)	R King
	D Smith (Vice-Chair)	W Norton
	K Banks	D Taylor
	M Chalk	D Thomas
	W Hartnett	

9. Centre for Public Scrutiny (CfPS) Parliamentary Seminar

(Pages 1 - 12)

To receive an update from Councillor R King on the Centre for Public Scrutiny (CfPS) Parliamentary Seminar which took place on Wednesday 11 February.

(Reports to follow).

(No Specific Ward Relevance)

Introduction and Select Committees - from officers prospective

The programme started disappointingly. The planned select sub committee on Innovation, Universities and Skills was postponed and no public session was available until 10.45 am in an outside building. The seminar started at 11 am so it was not feasible to attend the session.

The first part of the programme was officer lead. The officer Huw Yardley (clerk of the communities and local government select committee), explained that officers working on select committees were completely detached from parliament.

Hew explained that the fifteen select committees mirrored the government departments that existed and were set up at the start of Parliament.

The following are the slides from Hews presentation.

1

Parliamentary scrutiny through Select Committee

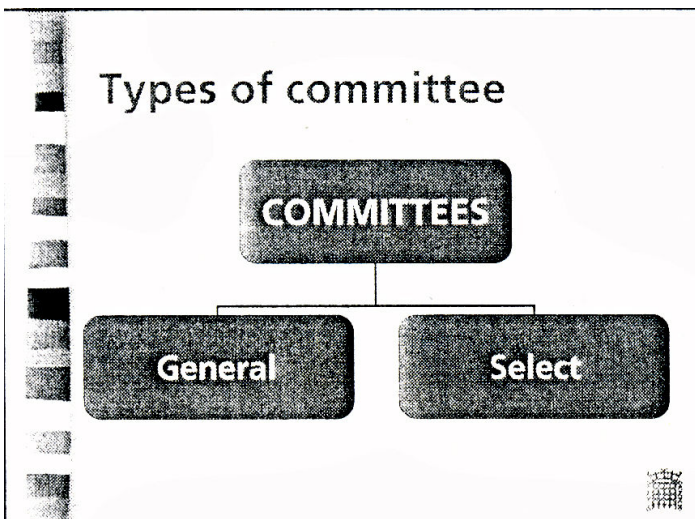
Huw Yardley
 Clerk, Communities and Local Government Committee
 11 February 2009

2

Key points

- Committees choose own subjects
- Inquiries are based on evidence received
- Programmes are flexible
- No checklists or templates
- Different outputs
- Independence of staff

3



4

Role of Select Committees

- One to scrutinise each Government Department
- “Administration, expenditure and policy” of that Department
- Additionally:
 - “Cross-cutting” Select Committees
 - “Scrutiny” committees

5

Centre of Public Scrutiny – Parliamentary Seminar 11/02/2009
 Redditch Overview and Scrutiny feedback and recommendations

Tasks of Select Committees

- Examine Government policy proposals and deficiencies
- Scrutinise draft bills
- Examine department's actions and administration
- Examine PSAs
- Monitor associated public bodies
- Scrutinise major appointments
- Examine the implementation of legislation

7

Modes of working

- Discuss informally
- Hear oral evidence
- Ask for written evidence
- Go on visits – UK and overseas
- Set up sub-committees
- Produce reports & recommendations

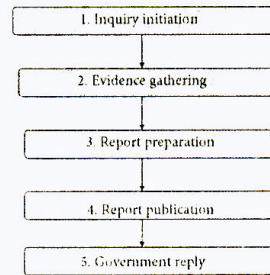
8

Public/Private

- Private: choice of inquiry, programme, witnesses
- Public: oral & written evidence
- Private: discussion of draft report
- Public: final report

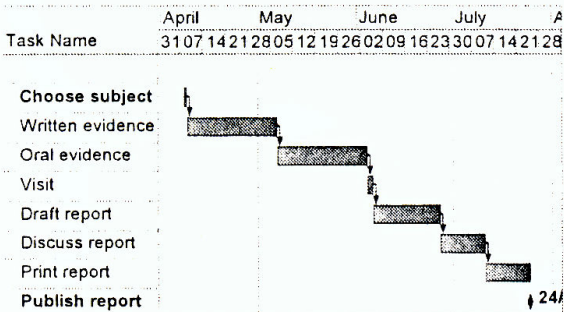
9

The inquiry process



10

Committee inquiry: typical timescale



Overlapping inquiries

	Choose subject	Written evidence	Oral evidence	Visit	Draft report	Report	Await reply
A							
B							
C							
D							
E							

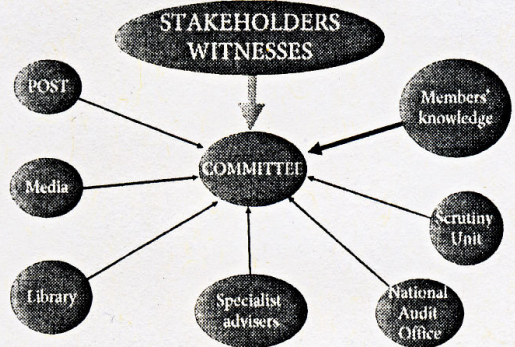
11

Choosing subjects

- Member preference
- Topical/media/pressure groups
- Fulfilment of core tasks
- Staff input
 - Scoping
 - Terms of reference

12

Sources of information



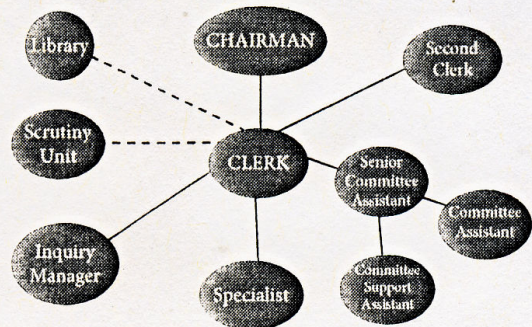
13

Committee outputs

- Report
- Single evidence session
- Debates in House
- Request for written evidence
- Chairman's speeches
- Immeasurables ...

14

Staffing



15

Staff Papers

- Background
- Summary of evidence
- SUGGESTED QUESTIONS
- Particular issue
- Heads of report
- Draft report
- Draft media release on publication

16

Brief: suggested questions

- Purpose of inquiry
- Witness details
- Suggested questions
 - background
 - Question: self-contained, concise, open
- Follow-up
- Divvying-up questions

17

Comparisons between parliamentary and local government scrutiny

Similarities	Differences
<ul style="list-style-type: none"> ■ Scrutiny only as good as one's members ■ The importance of the Chairman's role ■ The challenge of influencing the policy of the executive ■ The importance of cross-party consensus ■ The inquiry process is broadly similar (to those councils that use the inquiry/review model) 	<ul style="list-style-type: none"> ■ The separation of executive and non-executive, impartiality and conflict of interest ■ Level of resources available ■ Level of access to information ■ The willingness of people/organisations to co-operate ■ Different emphasis placed on purpose of scrutiny - holding the executive to account vs. policy development 'policy overview approach'
Key learning points for local government	Key learning points for parliament
<ul style="list-style-type: none"> ■ Media engagement ■ Briefing members ■ Report processes-quality assurance, template 	<ul style="list-style-type: none"> ■ Systematic follow-up on recommendations ■ Public engagement

SWOT of Select Committees

Strengths	Weaknesses
<ul style="list-style-type: none"> ■ Political without being party political ■ Seen to be authoritative (report quality) ■ Unique forum for questioning Ministers ■ Can secure high level media coverage 	<ul style="list-style-type: none"> ■ Time members have to devote to committees ■ Poor co-ordination between committees ■ Public engagement ■ Can be seen as too slow to respond (an inquiry can take a year or more to complete)
Opportunities	Threats
<ul style="list-style-type: none"> ■ Can act as a focus of public concern on topical issues ■ Public engagement ■ Looking at areas which normally receive little public or Parliamentary attention 	<ul style="list-style-type: none"> ■ Divided committee carries little weight ■ Other mechanisms may be seen as more effective for holding the Government to account - All party groups, direct lobbying campaigns. ■ Overload

I apologise if some of these slides are hard to read, and I will go through those with you if you wish. Following are techniques and styles to help form questions to ask witnesses in order to gather evidence for scrutiny.

Select Committees - from officers prospective

The seminar's second session was a verbal summary of the select committee function given from a parliamentary member's point of view.

The session was led by Dr Tony Wright who has been chair of the Public Administration select committee for the past 10 years.

Tony explained that the committee agenda was very much in the control of the chair and the committee members and they could take on what business they chose.

Tony said that the process had evolved over its thirty year history so that even the Prime Minister appeared before them now though the P M's position was exempt from their call in process. He said that although much of its work was seemingly ignored by government the influence was apparent in government approach at a future point in time, so clearly the process had relevance and influence.

He said members of the select committees usually became passionate about their roles as committee members and had time and funding to carry out the functions required.

He emphasised that in most cases the members were laymen in business at hand unless it was parliamentary based which gave a vital outsider angle on specific problems that involved parties did not see.

He emphasised the importance of asking the right questions in the right way a point he underlined by telling us that the select committee he had just left had ended with two members nearly coming to blows over the robust questioning of one member by the other.

The presentation was enjoyable and gave a light but informed picture of the role of a select committee member.

Role Play Exercise

The seminar attendees were then split up into groups and took part in a role play exercise designed to help develop questioning skills. The scenario was based around a school that was closing and moving in a staged manner after it was promised to be done in one go and the various problems that had caused.

This exercise was useful and gave us an opportunity to explore the different questioning approaches we each had.

Though the witnesses' scripts were designed to frustrate us and make us probe deeper using various adaptations of the same questions.

Centre of Public Scrutiny – Parliamentary Seminar 11/02/2009 Redditch Overview and Scrutiny feedback and recommendations

Mark Lowe CfPS research and Information Advisor then gave us a talk and a power point presentation on questioning skills. The text and slides that follow are what the content of his talk were based around. The event ended at 3.40 pm. I tried to catch the last part of a select committee hearing on public account, which was one of only two public sessions being held. The hearing was in room 15, a portable-cabin positioned at the rear of Big Ben, it finished as I arrived.

QUESTIONING TECHNIQUES

Overview and scrutiny members need good questioning techniques so that you can ask the right questions to discover the answers you need. You also need to consider the best approach for questioning and listening as you meet with residents and other stakeholders, many of whom may not be comfortable or familiar with a council environment or approach.

The fundamentals of communication

- Put ourselves and others at ease.
- Engage with others.
- Consider the most appropriate setting for involving a cross-section of Stakeholders.
- Choose appropriate styles of communication to engage with different people and groups.
- Think about the venue, the layout of the room, and the format of the event/activity.
- Listen to what is said and what is not said.
- Listen broadly and with specific focus.
- Think about how to get people talking.
- Work on ways you encourage and support witnesses, and avoid alienating them.

Preparation is key to good questioning

- Read the relevant papers.
- Establish what you want to achieve from your questioning before you begin.
- Structure your questions into blocks.
- If questioning in a large group, try to obtain agreement in advance about the questions to ask, how you are going to raise them and whether to allocate questions to committee members in advance.

Questioning skills

- Consider what the information is that you want, then build your questions around obtaining it.
- Build questions on the preceding answers. Use probing questions to elicit more information or clarification.
- Try to ensure that your questions are engaging
- Don't make speeches!
- Follow up with supplementary questions where necessary.

Centre of Public Scrutiny – Parliamentary Seminar 11/02/2009 Redditch Overview and Scrutiny feedback and recommendations

- Consider the reactions of witnesses to questions; they can tell you if the witness is doubtful or certain about the answers being given.
- Avoid acronyms. All those present must understand the question being asked.

Questions to avoid:

- Double-bind' questions such as "Have you stopped massaging the figures?"
- Biased questions with an inbuilt bias towards a particular perspective. A respondent then either has to accept the bias or challenge it and this could lead to an adversarial exchange
- Leading questions that unfairly lead a respondent to a particular answer. Questions asking "What/When/How/Where" are not usually leading questions which might produce yes' or 'no' answers (unless you are seeking a definitive answer)
- tag questions i.e. that end with 'wasn't it/won't they/isn't it'. With these you could be making an assertion in order to gain agreement or compliance
- Also, avoid making statements that might vaguely have a question at the end. Short and precise questions are much better
- Avoid making assumptions in your questioning. Developing listening skills

These strategies will help members keep focused on what the speaker is saying and also help you to retain the information that you hear:

- Consider the speaker's feelings
- Maintain eye contact
- Use reassuring body language such as nodding in agreement
- Focus on the content
- Think of ways to make the information relevant to you
- Jot down key words or questions you may want to ask when the speaker has finished talking.

Issues to consider

- Should questions be drawn up in advance, and if so, who by?
- Should witnesses be given questions in advance?
- Should witnesses be provided with a draft record of their evidence in order to clarify points or misunderstanding?
- How do you take evidence from children and vulnerable people?
- How do you question a nervous, reluctant or resistant witness?
- Developed by Tim Young UPS Associate

Questioning Styles

1. Open ended questions help the person being questioned ('the respondent') to identify the issue and to explore it. They provide information about an issue and the respondent's thoughts (and possibly their feelings behind it).
Tell me about... How? When? Who....? What....? etc.

2. Closed questions can be used to check facts, or as a summary, but they should be used sparingly as they encourage simple 'yes' or 'no' answers. If not used carefully, the scrutinizer could end up doing too much of the talking, with the respondent providing very little information.

Did you like...? Have you told ... ?

'What I think I'm hearing is... is that right?'

3. Reflecting questions enable the scrutinizer to clarify what has been said and to get the respondent to talk freely and in depth. Reflecting questions call for the scrutinizer to engage in 'active listening'. Using their own words you encourage further information. Reflecting questions often begin:

'You said that...' 'You sound as if I get the feeling that'

4. Extending questions are used to invite further explanation and to prompt a further answer:

'How else could...?' 'Could you tell me more about..?'

5. Comparative questions are useful where the scrutinizer may need to compare a situation on a before and after basis:

'What has it been like since...?' 'What difference has

6. Hypothetical questions may allow the respondent to explore issues and feelings in a relatively safe theoretical environment:

'If you were faced with the same situation again would you do anything differently?'

'How would you feel if...?'

7. Rephrasing or paraphrasing may be used when the scrutinizer is not clear what the respondent means. This allows you to play back what has been said:

Are you saying that...?' 'Let me see if I understand the problem -completely...'

8. Linking questions are useful for picking up clues but depend on active listening. The question is formed by picking up an earlier response from the respondent:

You mentioned earlier that... how would you...?

Developed by Tim Young UPS associate

1

Centre for Public Scrutiny

Questioning skills

2


Effective questioning – the barriers

What in your experience are the biggest problems when it comes to effective questioning in Overview and Scrutiny?

3

The challenge of listening

- Average person thinks 4 times faster than she/he talks or hears another person talking
- Words - about 30% of meaning
- Daydreaming - a barrier to listening
- ✓ Focus on the speaker
- ✓ Remain relaxed but engaged
- ✓ Build rapport with the witness




4

Letting others know you are listening

Good listening skills include:

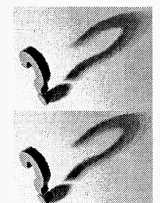
- ✓ Making 'I'm listening' noises
- ✓ Feeding back what you've heard and following up with a question
- ✓ Referring back to others' comments later on
- ✓ Physical stillness, eye contact and attentiveness



5

Aims of questioning


- Establishing validity of key data
- Seeking clarification
- Seeking further evidence
- Exploring ideas
- Questioning assumptions
- Challenging facts or opinion
- ✗ Not about scoring points (or making statements)




6

Preparation, preparation, preparation....

- Agenda papers out in good time
- Plan the questioning strategy – pre-meeting helpful
- Briefing paper circulated beforehand
- Witnesses primed and ready
- Seating arrangements which put people at ease




7


 The Centre for Public Scrutiny
 better scrutiny for better government

At the meeting

- Open-minded, non-judgmental approach
- Courtesy towards witnesses, public, other members
- Chair encourages everyone to participate
- Work towards consensus




8

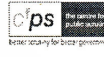
 The Centre for Public Scrutiny
 better scrutiny for better government

How to get the best from witnesses

- Be polite
- Do look at someone when talking or listening to them
- ✗ But don't stare at them
- ✗ Don't set out to trap or deceive witnesses
- ✗ Don't make your mind up in advance and unleash your criticism




9

 The Centre for Public Scrutiny
 better scrutiny for better government

Types of questions (1)

- Open-ended (why?, what?, how?): elicit descriptive answers; useful for understanding the broad issues
- Closed questions: to obtain specific answers or pin down an elusive witness
- Reflecting questions: to clarify what has been said & to get the respondent to talk freely and in depth
- Extending (or probing) questions: used to invite further explanation and to prompt a further answer


10

 The Centre for Public Scrutiny
 better scrutiny for better government

Question sequence

- Begin with open-ended questions to set the scene
- Move on to extending or probing questions, seeking more detailed information or specific examples
- Redirect the speaker back to earlier statements and seek further detail if necessary
- Use confronting questions (not aggressively !) used to clarify or challenge statements
- Use follow-up questions if answers not clear/complete
- Chair then checks there are no unanswered questions; summarises the main points


11

 The Centre for Public Scrutiny
 better scrutiny for better government

Types of questions (2)

- Comparative questions: useful for comparing a situation on a before-and-after basis
- Hypothetical questions: to explore issues and feelings in a relatively safe theoretical environment
- Rephrasing or paraphrasing: to summarise, reflect, clarify or encourage
- Linking questions: picking up clues and going further

12


 The Centre for Public Scrutiny
 better scrutiny for better government

Questioning pitfalls

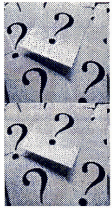
- ✗ Leading questions: they lead the witness to give the response the questioner wants
- ✗ Aggressive questioning: implies a closed mind and conclusions already reached
- ✗ Multiple questions: a number of questions bundled together in one; confusing and difficult to answer
- ✗ Double-bind questions: impossible to answer without incriminating oneself, unfairly or not!

Centre of Public Scrutiny – Parliamentary Seminar 11/02/2009
 Redditch Overview and Scrutiny feedback and recommendations


13

 Useful questions to ask (1)

- Why is performance at the current level?
- What difference does it make to the people we represent?
- What's missing from the information we're being given?
- Is the experience of the service-user heard?
- What are priorities for improvement?
- What will happen as a result of our review?
- How will we follow-up?



15


 Further information from CfPS
 Downloadable for free from www.cfps.org.uk/publications

A series of '10 questions to ask if you are scrutinising...' guides, on:


- how physical activity can be promoted through planning, transport, and the physical environment
- community pharmacy
- mainstream health services for people with learning disabilities
- the effectiveness of your local hospital
- NHS service redesign or reconfiguration
- child and adolescent mental health services

Effective Questioning in Health Scrutiny (CfPS July 2006)
Putting it into practice: the questioning technique (CfPS Feb 2007)


14

 Useful questions to ask (2)

- Does the report convey the true situation – and is there evidence to prove so?
- Are the reasons given for the slippage true reasons rather than descriptions of what has been done or poor excuses?
- Are the intended responses clearly showing the steps to be taken to re-prioritise or remedy under-performance?
- Are the intended responses definite enough to allow monitoring during the next quarter?



16

 Stay in touch...

Please get in touch if you have questions or comments:

Centre for Public Scrutiny, Layden House,
 76-86 Turmill Street, London EC1M 5LG

telephone 020 7296 6451
 email info@cfps.org.uk
 web www.cfps.org.uk

I hope you find this report useful. I found the experience very helpful and thoroughly recommend the seminar to anyone who is keen on the role as a keen member of O & S.

