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Overview and Scrutiny: Fit for the future? – **City and County of Swansea Council**

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Summary report

Summary

- 1 This review explored with each of the 22 councils in Wales how ‘fit for the future’ their scrutiny functions are. We considered how councils are responding to current challenges, including the Wellbeing of Future Generations Act 2015 (WFG Act) in relation to their scrutiny activity, as well as how councils are beginning to undertake scrutiny of Public Services Boards (PSBs). We also examined how well placed councils are to respond to future challenges such as continued pressure on public finances and the possible move towards more regional working between local authorities.
- 2 As part of this review we also reviewed the progress that councils have made in addressing the recommendations of our earlier National Improvement Study ‘Good Scrutiny? Good Question’ (May 2014) (see Appendix 2). We also followed up on the proposals for improvement relevant to scrutiny that we issued in local reports including those issued to councils as part of our 2016-17 thematic reviews of Savings Planning and Governance Arrangements for Determining Significant Service Changes.
- 3 Our review aimed to:
 - identify approaches to embedding the sustainable development principle into scrutiny processes and practices to inform practice sharing and future work of the Auditor General in relation to the WFG Act;
 - provide assurance that scrutiny functions are well placed to respond to current and future challenges and expectations;
 - help to embed effective scrutiny by elected members from the start of the new electoral cycle; and
 - provide insight into how well councils have responded to the findings of our previous Scrutiny Improvement Study.
- 4 To inform our findings we based our review methodology around the Outcomes and Characteristics for Effective Local Government Overview and Scrutiny that were developed and agreed by scrutiny stakeholders in Wales following our previous National Improvement Study ‘Good Scrutiny? Good Question’.
- 5 During February 2018 and March 2018, we undertook document reviews, interviewed a number of key officers and ran focus groups with key councillors to understand their views on City and County of Swansea Council’s (the Council) current scrutiny arrangements and in particular how the Council is approaching and intends to respond to the challenges identified above.
- 6 We observed a sample of scrutiny meetings and reviewed relevant meeting documentation provided to Members to support their scrutiny role, such as reports and presentations.
- 7 In this review we concluded that the **Council’s scrutiny function is well-placed to respond to future challenges, but could improve arrangements for pre-**

decision scrutiny and strengthen its evaluation of the impact of scrutiny activity. We came to this conclusion because:

- The Council has an active scrutiny function that benefits from a flexible approach, but there remains potential for confusion and overlap between the role of Policy Development Committees and Scrutiny;
- The scrutiny function regularly challenges decision makers, but it could improve the timeliness of pre-decision scrutiny; and
- The scrutiny function has arrangements to review its effectiveness, but there is scope for the Council to strengthen its evaluation of the impact of its scrutiny activity on citizens and other stakeholders.

Proposals for improvement

Exhibit 1: proposals for improvement

8 The table below contains our proposals for ways in which the Council could improve the efficiency and effectiveness of its overview and scrutiny function to make it better placed to meet current and future challenges.

Proposals for improvement	
P1	The Council should consider the skills and training that scrutiny members may need to better prepare them for current and future challenges, and develop and deliver an appropriate training and development programme, including providing additional training on the Well-Being of Future Generations (Wales) Act.
P2	The Council should strengthen its evaluation of the impact and outcomes of its scrutiny activity.
P3	The Council should further clarify the distinction between scrutiny and Policy Development Committee activity in relation to policy development.

Detailed report

The Council's scrutiny function is well-placed to respond to future challenges, but could improve arrangements for pre-decision scrutiny and strengthen its evaluation of the impact of scrutiny activity

The Council has an active scrutiny function that benefits from a flexible approach, but there remains potential for confusion and overlap between the role of Policy Development Committees and Scrutiny

- 9 The Council sets out in its Constitution that the main aim of the scrutiny function is to act as a 'critical friend' to the Cabinet, and other decision makers, in order to promote better services, policies and decisions. It is expected that scrutiny activities will:
- help improve services;
 - provide an effective challenge to the executive;
 - engage Members in the development of policies, strategies and plans; and
 - engage the public.¹
- 10 Since October 2012, the Council has delivered and co-ordinated scrutiny activity through a single Scrutiny Programme Committee. The Scrutiny Programme Committee is supported by:
- Inquiry Panels: these undertake discrete in-depth inquiries into specific and significant areas of concern on a task and finish basis;
 - Performance Panels: These panels provide ongoing in-depth monitoring and challenge for clearly defined service areas; and
 - Working Groups (usually one-off meetings): these are established when a matter should be carried out outside of the committee but does not need a panel to be set up, enabling a 'light-touch' approach to specific topics of concern.
- 11 Scrutiny members and officers generally feel that this structure is flexible and enables them to examine a range of issues. Scrutiny members can choose which inquiries or working groups they wish to participate in, which encourages scrutiny members with a specific interest or expertise to engage in those areas of interest. We found that the work of the Scrutiny Programme Committee and Performance

¹ City and County of Swansea, **Constitution**, June 2018

Panels includes consideration of the Council's performance management, self-evaluation and improvement arrangements.

- 12 Within the Council's scrutiny function, Performance Panels have a key role in scrutinising the performance of particular areas of service delivery (see footnote 1). The Council currently has six Performance Panels. These are:
- Service Improvement and Finance (held monthly);
 - Schools (held monthly);
 - Adult Services (held monthly);
 - Child and Family Services (held every two months);
 - Public Services Board (held quarterly); and
 - Development and Regeneration (held every two months).
- 13 These panels meet to consider a range of topics. Agendas, minutes and meeting papers for Performance Panels are available on the Council's website and the meetings are open to the public to attend. However, as the Council does not consider the Performance Panels as formal committees, their membership is not required to be politically balanced and their convenors are not formal committee chairs. As such, the convenors do not receive a senior salary for undertaking these roles and the arrangement relies on the goodwill of Members to take on extra responsibilities. Whilst this has proven effective so far, there is no guarantee that the goodwill of Members will continue to allow this arrangement to work in the future.
- 14 In our Annual Improvement Report incorporating the Corporate Assessment Report 2014, we commented that there was 'potential for duplication between scrutiny and the Council's Cabinet Advisory Committees'.² At the time of our fieldwork, the Council had replaced its Cabinet Advisory Committees with five Policy, Development and Delivery Committees (PDDCs). The PDDCs were subsequently renamed Policy Development Committees (PDCs) at the Annual Council Meeting in May 2018. However, the role of the PDCs has remained unchanged. The Council's Constitution defines the PDCs as Council committees with the purpose of developing the Council's Corporate Policies for consideration and adoption by Cabinet and/or Council as appropriate (see footnote 1).
- 15 As set out in paragraph 9, the Council's constitution states that the scrutiny function also has a role in the development of policies, strategies and plans. The Council's officers told us that there are arrangements in place to prevent duplication of work on policy development between the PDCs and the Council's scrutiny function. These arrangements include officer agenda review and liaison between the PDC chairs and the Scrutiny Programme Committee chair to discuss work programmes. Officers and Members also told us that where both a PDC and the Scrutiny Programme Committee wish to consider an item, the Scrutiny

² Auditor General, **Annual Improvement Report Incorporating the Corporate Assessment Report 2014**, June 2015, Wales Audit Office

- 16 Programme Committee takes precedence. The Council has tried to clarify the distinction between the PDCs and its scrutiny function by amending its Constitution. Despite this, we found that some scrutiny members remain unclear about the difference between PDCs and the scrutiny function. The potential for overlap between PDCs and scrutiny activity in relation to policy development remains.
- 17 To gain an understanding of the environment in which scrutiny operates, we looked at the training opportunities available to scrutiny members. Scrutiny training is integrated within the overall councillor Training and Development Programme, and the Council surveys Members to identify training and development needs. The Council provided a scrutiny induction session for new and returning Members in June 2017. The Public Service Board (PSB) Performance Panel was invited to a workshop in September 2017 to develop understanding about the WFG Act. However, the Council acknowledges that there has been limited training specifically for scrutiny members due to budget pressures with, for example, no specific training on scrutiny chairing provided so far in this electoral cycle.
- 18 There is scope for the Council to consider what skills and knowledge scrutiny members need to respond to current and future challenges, such as continued pressure on public finances and the potential for increased collaborative working, and to provide appropriate training. This could include training in areas such as options appraisals, financial analysis, scrutinising regional, collaborative and commercial arrangements, and engaging ward Members and stakeholders in scrutiny work.
- 19 As part of our review, we also considered the support available to scrutiny members. The Council has a dedicated team of scrutiny officers, composed of 4.4 full time equivalent staff, supporting the scrutiny function. Their roles include supporting and managing work programmes, undertaking research, and facilitating methods of stakeholder engagement. The scrutiny team play a significant role in promoting scrutiny activity through the Council's website, scrutiny blog and social media. In addition, officers within democratic services provide administrative support for Scrutiny Programme Committee meetings. This includes the preparation and distribution of agendas and producing the minutes of meetings. An officer from the Council's legal team also attends the Scrutiny Programme Committee meetings. The Council's Scrutiny Annual Report 2016-17 showed that 88% of councillors and 63% of staff who responded to the annual councillor and staff survey, agreed that the level of support provided by the scrutiny team is either excellent or very good.

The scrutiny function regularly challenges decision makers, but it could improve the timeliness of pre-decision scrutiny

- 20 The Council holds an annual scrutiny work planning conference to develop an overarching scrutiny work programme. Key senior officers provide guidance on topic selection, and an overview of potential opportunities and challenges ahead. Members, staff and the public provide suggestions on topics (via surveys and consultation activity) which feed into scrutiny member discussions to formulate the work programme priorities. The Scrutiny Programme Committee Chair and Scrutiny Team Leader advises scrutiny members to select topics that are strategic and significant, or issues of concern, and will be an effective use of scrutiny time. This aims to ensure that scrutiny work programmes include topics that scrutiny members can influence to make a difference for local citizens. The conference also includes reflection on the scrutiny activity undertaken in the previous year. Performance Panel and Scrutiny Programme Committee work plans are developed within their initial sessions to support the overarching scrutiny work programme.
- 21 One of the key roles of scrutiny committees is to scrutinise and influence issues before Cabinet make decisions, drawing on a range of perspectives. This is known as pre-decision scrutiny. Twelve Cabinet reports were subject to pre-decision scrutiny during 2016-17, including seven Commissioning Review reports.³ However, in the Council's Scrutiny Annual Report 2016-17, scrutiny members highlighted that; 'while the scrutiny of Commissioning Reviews had been a positive step forward, this would be further improved by having more time to scrutinise such important cabinet reports'. This view was also reflected to us by scrutiny members during our review. Officers and scrutiny members told us that this is due to the timescales imposed by the publication of Cabinet papers. We observed that the Scrutiny Programme Committee arranged additional meetings to facilitate pre-decision scrutiny of topics. The Council should consider whether the current arrangement for the Scrutiny Programme Committee or Panels to undertake pre-decision scrutiny, enables sufficient time for effective planning and evidence gathering. Improving the timing or engagement of pre-decision items that scrutiny Panels or the Scrutiny Programme Committee consider, would potentially enable more meaningful involvement of scrutiny members in the decision-making process. It would also provide opportunities to gather a broader range of evidence to inform their scrutiny activity.
- 22 The Council has established arrangements for engaging in evidence based challenge of decision makers. The Scrutiny Programme Committee meeting and Performance Panel we observed were well run with challenging and focused questioning from scrutiny members. Cabinet members are regularly held to account by Scrutiny members. The relationship between Cabinet and the scrutiny

³ The Council adopted a comprehensive strategy for change in 2014. This included detailed analysis of service provision by means of 'Commissioning Reviews' (CRs) which began in 2015.

function is generally constructive, with Cabinet members regularly considering and responding to scrutiny questions and recommendations. We observed that the seating and conduct of Scrutiny Committee/Panel meetings contributed to a shared understanding amongst officers and Members of the distinctive roles of Cabinet and scrutiny members.

- 23 Scrutiny Programme Committee hold question and answer sessions with each Cabinet member on a rolling programme. This gives scrutiny members the opportunity to directly challenge Cabinet members on progress with areas within their portfolios and decision making. The reports provided by the Cabinet member in advance of the question and answer sessions outline anticipated areas for discussion. The scrutiny team also provide papers to the Scrutiny Programme Committee from previous question and answer sessions to facilitate continuity. This ensures that scrutiny members are well informed and build on previous questioning to develop lines of enquiry. Scrutiny members told us that the question and answer sessions supports constructive dialogue between the scrutiny function and Cabinet.
- 24 The Council has sought to improve the way in which overview and scrutiny activity informs, and engages with, stakeholders. In 2014 the Council adopted Participation Cymru's 10 Principles for Public Engagement into its Consultation and Engagement Strategy. During 2014-2015, the Scrutiny Programme Committee held sessions on Improving the Impact of scrutiny⁴, and on Communication and Public Engagement⁵. These resulted in the identification of a number of actions on how the Council could improve public engagement with scrutiny. The suggestions included holding public question and answer sessions, and stakeholder mapping as part of scrutiny inquiries. Our review of scrutiny activity suggests that scrutiny members frequently invite stakeholders to provide evidence as part of scrutiny activity. For example, the Council gathered evidence from health partners, the Swansea Council for Voluntary Services, Parent/Carer Forum and School Head teachers as part of its Inquiry into Child and Adolescent Mental Health Services.
- 25 The Council has an established approach to promoting the work of its scrutiny function, particularly through social media and its website. Scrutiny officers work with the Council's communications team to generate scrutiny content for Council news pages and press releases. The scrutiny team manage dedicated scrutiny web pages, blogs and twitter feeds. The scrutiny team also work with scrutiny members to produce Scrutiny Dispatches.⁶ This is a quarterly update on scrutiny

⁴ Chair – Scrutiny Programme Committee, **Report to Scrutiny Programme Committee on Improving the Impact of Scrutiny**, June 2014

⁵ Chair – Scrutiny Programme Committee, **Report to Scrutiny Programme Committee on Improving Communication and Public Engagement with Scrutiny**, September 2014

⁶ Information about the aims of the Scrutiny Dispatches are set out in the covering reports for these dispatches. The April 2018 Scrutiny dispatches is available [here via this link](#) together with the [covering report](#).

activity, reported to full Council. They also produce monthly scrutiny newsletters, which are available for the public to subscribe to. These newsletters include forthcoming Panel and Working Group meetings, topics being considered by scrutiny, and progress with current scrutiny inquiries and working groups.

- 26 The Council also tries to help members of the public and other stakeholders to understand the proceedings of scrutiny meetings, should they attend. The Council provides an information sheet in the public gallery at the Scrutiny Programme Committee meetings setting out the role of the Scrutiny Programme Committee and names of attendees, and name plates are used to help members of the public to understand who is who and their different roles.
- 27 As part of our review, we also considered how councils are beginning to undertake scrutiny of Public Service Boards (PSBs). The Council recognises that scrutiny of the PSB is in its early stages. The Council has a Public Service Board Scrutiny Performance Panel set up to support the Scrutiny Programme Committee to scrutinise the PSB. This Panel has a core membership of 13 members including seven scrutiny members, the Chair and Vice Chair of the Scrutiny Programme Committee, plus the convenors of the Performance Panels. This arrangement aims to draw in a range of knowledge and expertise, while disseminating the principles of the WFG Act to all the Performance Panels. The Council also invites six non-executives from local partner agencies to attend the PSB scrutiny Performance Panel. The Panel is developing its work plan for 2018-19 and has begun to scrutinise PSB work streams. The Panel has produced letters to the Chair of the PSB raising questions or concerns as a result of the activity of the Panel. However, it is too early in the development of PSB Scrutiny for us to comment on the effectiveness of these arrangements at the Council.

The scrutiny function has arrangements to review its own effectiveness, but could strengthen its evaluation of the impact of its scrutiny activity on citizens and other stakeholders

- 28 In our 'National Improvement Study Good Scrutiny? Good Question! Report in May 2014, we recommended that councils ensure that the impact of scrutiny is properly evaluated and acted upon to improve the function's effectiveness, including following up on proposed actions and examining outcomes.⁷
- 29 We found that the Council has a number of arrangements to review its scrutiny function's effectiveness. For example, the Council reconvenes Inquiry Panels between 6-12 months after Cabinet decisions on their inquiry reports. For these Inquiry Panel sessions, officers produce an impact report and action plan on behalf of the Cabinet member setting out what has changed since the inquiry report was presented to Cabinet, whether agreed recommendations have been implemented,

⁷ Auditor General, **National Improvement Study - Good Scrutiny? Good Question! Report**, Wales Audit Office, May 2014

and the impact of the scrutiny inquiry. At these sessions, the Inquiry Panel has the opportunity to provide further challenge to the Cabinet member who attends the reconvened Inquiry Panel, discuss progress and agree further actions if necessary.

- 30 In its Improving the Impact of Scrutiny Report in 2014 (see footnote 5), the Scrutiny Programme Committee's action plan stated the need to reconvene Inquiry Panels to assess the wider impact of inquiries and involve other stakeholders where appropriate. It also proposed establishing measurable outcomes at the outset of inquiries, including setting out 'an indicator we want to change' in every scoping report. We found limited evidence that these actions are taking place. The Council's arrangement for evaluating the impact of its Inquiry Panels would be strengthened if these were implemented.
- 31 The Council's scrutiny team also maintains a spreadsheet to track Cabinet responses to letters from the Scrutiny Programme Committee, Working Groups and Performance Panels. This spreadsheet provides a quantitative assessment of recommendations made by scrutiny, and recommendations subsequently accepted by Cabinet. However, we found little evidence to suggest the Council undertakes any systematic evaluation of the impact or effectiveness of these recommendations through this arrangement.
- 32 The Council also produces annual scrutiny reports to assess the scrutiny function's effectiveness as a whole. The annual reports include a summary self-evaluation that the Council uses to identify strengths and weaknesses to support continuous improvement of the scrutiny function. The Council's annual scrutiny reports are also based on performance against a range of performance measures captured in a scorecard, which covers four sections relating to scrutiny practice and outcomes. The performance is informed by the results of annual Member and staff surveys. The measures in the scorecard have remained largely unchanged since the Council introduced them in 2012. Whilst this allows the Council to assess trends in performance, there is an opportunity for the Scrutiny Programme Committee to reflect on whether the data collected continues to be relevant and useful to inform its evaluation of the function's effectiveness. For instance, it would be difficult for a member of the public to understand from the Scrutiny Annual Report 2016/17 what the impact or outcomes from the scrutiny function were during this period, as the report does not include a description and evaluation of scrutiny activity or evidence to demonstrate its impact.
- 33 As mentioned in paragraph 24, one of the main ways in which the Council highlights the work of its scrutiny activity is through its Scrutiny Dispatches; 'How scrutiny councillors are making a difference' (see footnote 7). This is a quarterly publication, which aims to set out the Council's scrutiny achievements and outcomes, and how the work of scrutiny is making a difference. The quarterly Scrutiny Dispatches are considered by full Council and are available on the Council's website. For example, Scrutiny Dispatches, January 2018 states that the Inquiry into School governance prompted reflection on the support and training provided to school governors, and highlighted the need for closer working between governing bodies and school challenge advisors.

- 34 The Council produces a range of scrutiny activity outputs. Recent examples include inquiry reports on School Readiness and School Governance, Tackling Poverty and Child and Adolescent Mental Health Services. However, the Council needs to consider how it can demonstrate outcomes for citizens from its scrutiny activity.

Appendix 1

Exhibit 1: outcomes and characteristics for effective local government overview and scrutiny

Outcome What does good scrutiny seek to achieve?	Characteristics What would it look like? How could we recognise it?
<p>1. Democratic accountability drives improvement in public services.</p> <p>‘Better Services’</p>	<p>Environment</p> <ul style="list-style-type: none"> i) Scrutiny has a clearly defined and valued role in the council's improvement arrangements. ii) Scrutiny has the dedicated officer support it needs from officers who are able to undertake independent research effectively, and provide Scrutiny members with high-quality analysis, advice and training. <p>Practice</p> <ul style="list-style-type: none"> iii) Overview and Scrutiny inquiries are non-political, methodologically sound and incorporate a wide range of evidence and perspectives. <p>Impact</p> <ul style="list-style-type: none"> iv) Overview and scrutiny regularly engages in evidence based challenge of decision makers and service providers. v) Scrutiny provides viable and well evidenced solutions to recognised problems.
<p>2. Democratic decision making is accountable, inclusive and robust.</p> <p>‘Better decisions’</p>	<p>Environment</p> <ul style="list-style-type: none"> i) Scrutiny councillors have the training and development opportunities they need to undertake their role effectively. ii) The process receives effective support from the Council's Corporate Management Team who ensures that information provided to scrutiny is of high quality and is provided in a timely and consistent manner. <p>Practice</p> <ul style="list-style-type: none"> iii) Scrutiny is Member led and has `ownership` of its work programme taking into account the views of the public, partners and regulators whilst balancing between prioritising community concerns against issues of strategic risk and importance. iv) Stakeholders have the ability to contribute to the development and delivery of scrutiny forward work programmes. v) Overview and scrutiny meetings and activities are well-planned, chaired effectively and make best use of the resources available to it.

Outcome What does good scrutiny seek to achieve?	Characteristics What would it look like? How could we recognise it?
	<p>Impact</p> <ul style="list-style-type: none"> vi) Non-executive Members provide an evidence based check and balance to Executive decision making. vii) Decision makers give public account for themselves at scrutiny committees for their portfolio responsibilities.
<p>3. The public is engaged in democratic debate about the current and future delivery of public services.</p> <p>‘ Better engagement ’</p>	<p>Environment</p> <ul style="list-style-type: none"> i) Scrutiny is recognised by the Executive and Corporate Management team as an important council mechanism for community engagement. <p>Practice</p> <ul style="list-style-type: none"> ii) Scrutiny is characterised by effective communication to raise awareness of, and encourage participation in democratic accountability. iii) Scrutiny operates non-politically and deals effectively with sensitive political issues, tension and conflict. iv) Scrutiny builds trust and good relationships with a wide variety of internal and external stakeholders. <p>Impact</p> <ul style="list-style-type: none"> v) Overview and scrutiny enables the 'voice' of local people and communities across the area to be heard as part of decision and policy-making processes.

Appendix 2

Exhibit 2: recommendations from the report of the Auditor General's National Improvement Study 'Good Scrutiny? Good Question' (May 2014)

Recommendation	Responsible Partners
R1 Clarify the role of executive members and senior officers in contributing to scrutiny.	Councils, Welsh Government, Welsh Local Government Association
R2 Ensure that scrutiny members, and specifically scrutiny chairs, receive training and support to fully equip them with the skills required to undertake effective scrutiny.	Councils, Welsh Government, Welsh Local Government Association
R3 Further develop scrutiny forward work programming to : <ul style="list-style-type: none"> • provide a clear rational for topic selection • be more outcome focussed • ensure that the method of scrutiny is best suited to the topic area and the outcome desired; and • align scrutiny programmes with the council's performance management, self-evaluation and improvement arrangements 	Councils
R4 Ensure that scrutiny draws effectively on the work of audit, inspection and regulation and that its activities are complementary with the work of external review bodies.	Councils, Staff of the Wales Audit Office, CSSIW, Estyn
R5 Ensure that external review bodies take account of scrutiny work programmes and the outputs of scrutiny activity, where appropriate, in planning and delivering their work.	Staff of the Wales Audit Office, CSSIW, Estyn
R6 Ensure that the impact of scrutiny is properly evaluated and acted upon to improve the function's effectiveness; including following up on proposed actions and examining outcomes.	Councils, Welsh Government, Welsh Local Government Association
R7 Undertake regular self-evaluation of scrutiny utilising the 'outcomes and characteristics of effective local government overview and scrutiny'	Councils

Recommendation	Responsible Partners
developed by the Wales Overview & Scrutiny Officers' Network.	
R8 Implement scrutiny improvement action plans developed from the Wales Audit Office improvement study.	Councils
R9 Adopt Participation Cymru's 10 Principles for Public Engagement in improving the way scrutiny engages with the public and stakeholders.	Councils

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