education decision-making under scrutiny:
the impact of local government modernisation

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EXECUTIVE SUMMARY

Introduction

In the light of the 2000 Local Government Act, local authorities have modernised their decision-making structures. The proposed arrangements required the old committee system to be replaced with smaller cabinets and separate scrutiny committees. Modernisation was intended to produce a new corporate culture that is more efficient, transparent and accountable.

This study aimed to determine the ways in which local authorities have modernised their education decision-making processes and to explore the experiences of those directly involved in the changes. The key objectives were to explore some of the key features of the modernisation agenda, with a particular focus upon the role of scrutiny, and to track the process of key decisions with the intention of describing the impact of modernisation upon education decision-making.

Main findings

Modernisation is still in a period of transition, and the new arrangements are still relatively unfamiliar to many council members, officers and headteachers in schools.

Key features of the modernisation agenda

♦ Since modernisation, some decisions are being made very quickly and other decisions take longer because of the process of wider consultation and scrutiny.

♦ Transparency is facilitated through improved communication, particularly where local forums, meetings and panels have increased opportunities for discussion and debate in face-to-face situations.

♦ The modernisation of local government seems to have improved budgeting and there is more emphasis on the perceived financial implications of decisions.

♦ The media plays an increasing role in communicating with local people about local authority issues and decisions.

♦ Where there is scope for local flexibility, democracy appears to have increased but where decisions come from national initiatives, there appears to be a reduction in democracy.

♦ Most authorities are making rapid progress with e-communication and have provided access to information and key documents on websites.

♦ There are areas of agreement about the key benefits of modernisation that relate to the move towards portfolio working, the exploration of cross cutting themes and more emphasis on strategic, as opposed to operational, decisions.

The role of scrutiny since modernisation

♦ The key features of the scrutiny function are: calling to account those who made the decisions, and calling in a report from officers and questioning them on its content.

♦ The scrutiny function seems to work well when it is part of the whole decision-making process.

♦ Scrutiny committees tend to concentrate on getting to grips with single issues rather than attempting to scrutinise all decisions.

♦ Scrutiny committee chairs argue that it is important to ensure there is enough time for scrutiny to look at issues in depth.

♦ Members of scrutiny committees often do not have sufficient information to make recommendations. They are not necessarily fully informed about the wide range of issues that have reached their agendas.

♦ One of the key factors that influences the effectiveness of the scrutiny function is the quality of the relationship with the cabinet. This is often related to the historical and political context.

♦ Some members feel deprived of a role since modernisation and it has been difficult for others to adjust to their new roles.

♦ The loss of power that those on scrutiny committees have experienced is often influenced by the way in which those on the cabinet/executive have handled the delegation process.

♦. There is much agreement that there should be support for the scrutiny process and that those involved should not work in isolation.

♦ A weak scrutiny function allows members of the cabinet/executive to make decisions without any checking or monitoring processes.

Post-modernised decision-making

♦ In some local authorities one key individual often makes decisions on behalf of local communities with little debate.

♦ The most frequently emerging patterns of decision-making rely on Chief Education Officers (CEOs) bringing issues to the attention of the education portfolio holder, who then makes a decision, which is 'called-in' by a scrutiny committee.

♦ Within any one local authority, certain decisions may undergo very extensive scrutiny and consultation and others are made by a small number of key people.

♦ Non-elected members hold very positive views of the opportunities open to them to fully engage in the decision-making process.

♦ Some cabinet/executive and scrutiny committees have found it very challenging to build a good relationship; the relationship has occasionally been acrimonious.

♦ The most common method used for the dissemination of information is through meetings and printed documentation.

Conclusions – the impact of modernisation

The main impact has been on the council members and officers, although they are often polarised in their views depending upon whether their role in decision-making has increased or decreased.

Change of culture

Those involved in local government decision-making since modernisation, have experienced a change of culture. Officers tend to take responsibility for operational decisions, while councillors engage with more strategic issues. The familiar role within a procedure-driven system – engaging in political debate to reach decisions – has been taken away from all except cabinet/executive members. Scrutiny committees are expected to make retrospective recommendations.

Facilitating communication

Close contact between decision-makers outside formal meetings is considered to enhance communication and facilitate speedy decision-making. The leadership style of key individuals is often what makes the difference – a 'strong leadership' approach is more inclusive and empowers those on scrutiny committees to contribute to the decision-making process.

The development of consultation mechanisms

Increased consultation is one of the benefits of modernisation and there has been a consequent reduction in lobbying. An increase in the number of consultation groups and open-access to the public at committee meetings has brought elected members and other committee members within reach of the public. There are concerns, however, about accountability where responsibility for some decision-making is delegated to fewer individuals.

Emphasis on greater co-operation

The function of scrutiny can be facilitated by a co-operative working relationship based on mutual respect between the cabinet/executive and scrutiny committees. If the scrutiny process is weak, public forums and media interest tend to be relied upon to hold decision-makers to account.

Key benefits of modernisation appear to be: the speed of decision-making, improvements in budgeting, wider consultation with the community and the increased involvement of non-elected members.

About the research

This research formed part of the Local Government Association (LGA) Educational Research Programme. The research team sent a letter to all local education authorities (LEAs) in England and Wales in September 2001 requesting information that would enable them to provide an overview of local authorities' revised structures, procedures and future plans. Of the 172 Chief Executive Officers to whom letters were addressed, 43 responded by supplying the details requested, four replied to say that details of their plans were not yet available and one Chief Executive confirmed that the authority that he represented would be maintaining the current decision-making structures.

The research team conducted case study visits to eight LEAs between November 2001 and March 2002. These authorities were selected from responses to the initial letter and also as a result of direct contact. The sample reflected a range of different circumstances, including geographical location, structural arrangements and type of authority. The case study sample comprised: one English county; three 'new' authorities; two metropolitan boroughs and two outer London boroughs. A total of 37 interviews were carried out with local authority members and officers. In addition, a further 13 interviews were conducted with headteachers of secondary and primary schools in order to explore more fully the impact of the modernisation on schools.

All of the interviewees were assured that The National Foundation for Educational Research operates under a code of practice that ensures anonymity for all participants in the research. They were free, therefore, to contribute their opinions with the knowledge that neither they nor the local authority that they represented would be identified in this report.

1. INTRODUCTION

The White Paper *Modern Local Government In Touch with the People* (GB. Parliament. HoC, 1998) with its companion document *Local Leadership, Local Choice* (GB. Parliament. HoC, 1999) outlined the need for change across a wide range of local government roles and responsibilities. The ensuing Local Government Act (England and Wales. Statutes, 2000) concerned itself to a large extent with the practical arrangements for the introduction of the new organisational structures. This report considers the consequences of modernisation for education decision-making.

1.1 Why modernise local government?

The wider modernisation agenda has a long-term objective of improving the economic, social and environmental well-being of society. It aims to increase participation in the civil society and improve economic competitiveness through education. The challenge to local authorities was to advance from a democratic process that was organised so that the full council of elected members had most of its members sitting on service committees and/or sub-committees. The outgoing system involved groups of elected members and other selected representatives with various backgrounds forming committees that represented each of the local authority service areas. In some cases, sub-committees (such as, a policy and resources sub-committee, negotiating sub-committee and finance sub-committee, amongst other variations), supported each of the service committees.

From 1998, the government began to focus its attention on the perceived need for local government to modernise its ways of working. At a time of some insecurity about the future of the local democratic process, the White Paper (GB. Parliament. HoC, 1998, p.2) specified the important role to be played by the local authorities. It outlined their '*special status*', describing them as '*uniquely placed to provide vision and leadership to their local communities*' and '*able to make things happen on the ground – where it really matters*'.

However, it warned, '*to do this councils need to break free from old fashioned practices and attitudes*' (p.2). It stated clearly that the traditional role of councils, deciding upon and providing most services for their local communities, has '*no future*'. Also criticised was an inward-looking attitude in those councils '*more concerned to ... protect their vested interest than listening to their local people and leading their communities*' (Foreword and Introduction). These out-dated practices were seen to be inefficient, with decision-making described as '*opaque*' (1.17) and time-wasting for councillors. It was also argued that those who put themselves forward for council service tend to be unrepresentative of their communities, disincentives being particularly evident amongst women, the employed,

ethnic minorities and the disabled. Modernisation is intended to produce a new corporate culture that will be efficient, flexible, innovative, self critical and transparent. The broad purpose of the Government's modernising agenda has been to improve the quality of local democracy and quality of life through improving local decision-making.

This study aimed to explore different approaches to education decision-making in local authorities as they engage with their programmes of modernisation.

1.2 Background to the project

The research was carried out in two phases. The first phase considered the personal experiences of those working in local authorities which had decided to modernise in advance of legislation. It explored:

♦ their reasons for acting early;

♦ the choice of new structures adopted and the reasons for these choices;

♦ their developing understanding of the separate cabinet/executive and scrutiny or overview functions;

♦ their experiences of managing this change process.

The research considered the practical implications for decision-making in education posed by the wider agenda. Three principles underlying the modernisation agenda were explored:

♦ efficiency;

♦ transparency;

♦ accountability.

The second phase of the research project developed a number of further strands to the investigation, focusing in more detail upon local authorities' responsibilities for education. The key emphasis was on how efficiency, democracy, accountability and transparency were affected by the modernisation agenda, with particular reference to key legislation and guidance such as the *School Standards and Framework Act* (GB. Statutes, 1988), the Green Paper, *Schools: Building on Success* (England and Wales. Parliament. HoC, 2001) and the revised *Code of Practice on LEA – School Relations* (DfEE, 2001).

1.3 The case study approach

The project aimed to provide illustrative examples arising from experience of different approaches to education decision-making, in response to local government modernisation, which would be accessible and informative to all local authorities as they engage with their programmes of modernisation.

The objectives of the second phase of the research were:

♦ to continue to explore some of the key features of the modernisation agenda, with a particular focus upon the role of scrutiny;

♦ to focus on a wider range of modernisation features that are beginning to affect education decision-making, with a particular focus upon involvement of key stakeholders, the development of strategic partnerships, and new uses of information technology;

♦ to track, through a number of case studies, the processes of decision-making within the LEA's responsibilities for school improvement, special educational needs and access, with the intention of describing the impact upon education decision-making in these areas.

To achieve the aims and objectives a case study approach was used and data were collected using face-to-face interviews with the following key personnel involved in the decision making process:

♦ CEOs (Directors of Education or equivalent);

♦ members of the cabinet or executive or equivalent;

♦ members and chairs of scrutiny and overview committees;

♦ head teachers (primary and secondary schools).

Data were also collected through analysis of documentation. A convenient sample of Local authorities was identified to illustrate different types of modernisation arrangements. The sample was selected to provide a range of local authorities that were functioning well or dealing with the challenges, taking different routes to modernisation and represented different types of authority.

1.4 Local authorities involved in the case study

1.4.1 The new structures – leader or mayor?

The eight local authorities that participated in the case studies were a mixture of inner and outer London boroughs, county, unitary and metropolitan councils. Although none of the authorities was under Liberal Democrat Party control, we were able to achieve a reasonable balance, with three Labour and four Conservative Party controlled authorities and one authority that had no overall control. Whilst it was our intention to examine the impact on education decision-making within the various models prescribed by central government (leader and cabinet, directly elected mayor and cabinet, or directly elected mayor and council manager), all of the selected local authorities had modernised their democratic processes by introducing the leader and cabinet model. However, one of the local authorities, whilst initially operating a 'leader and cabinet' system, was preparing for a mayoral referendum and indeed has since adopted a 'mayor and cabinet' style structure.

1.4.2 Executive committees

Variations exist in the ways in which local authorities have organised their committees in terms of their titles, the number of members and the number of tiers. In some cases elected members who hold cabinet/executive responsibilities have formed committees with as few as five members, with others choosing to have as many as ten members. Within each of the cabinet/ executive committees a member is given the title of portfolio holder with the responsibility for cabinet/executive decisions regarding education related matters. The overview and scrutiny committees, however, tend to be more complex in structure.

1.4.3 Scrutiny committees

Within the eight case study authorities, as many as five different titles were in use describing the scrutiny function, but throughout this report we have used the term 'scrutiny committee' for ease of reference. An important part of this central government initiative is an inclusive approach to service delivery, wherein cross-cutting themes are recommended to remove boundaries and merge services. The more typical responses to the requirement to modernise has seen the creation of committees that are responsible for departments that were previously known as 'Education', 'Social Services' and 'Leisure Services'. Hence, two of the case study authorities have renamed their education committees: 'Education' and 'Lifelong Learning Scrutiny Committee' and another two have used the name 'Children and Young Peoples' Scrutiny Committee'. Others have named the committees 'Education and Heritage' and 'Education and Libraries'. Only one of the case study authorities chose to maintain their original committee brief and retain the title of 'Education Scrutiny Committee'.

It is also important to acknowledge that this study is merely able to focus on what is happening at a particular point in a process of change.

> *Any study on the possible impact of change is predicated on the awareness that change itself is not one finite event, with a clear start, discernible middle and conclusive end. (...) Change is most often recognised in the short term, but it is unlikely that the 'victory' of any change will be conclusive and total* (Johnson, 2001 p.261).

The next Chapter (Chapter Two) summarises perspectives on the key features of modernisation. Chapter Three focuses on the role and function of scrutiny, and Chapter Four summarises approaches to decision-making in the LEAs involved in the research study. Chapter Five provides an overview and discussion of the key issues emerging from the study.

2. KEY FEATURES OF THE MODERNISATION AGENDA

2.1 Introduction

This chapter provides a summary of the key features of the modernisation agenda from the perspectives of those involved in education decision-making in the case study LEAs. The key questions in relation to the modernisation agenda are as follows:

♦ Is the new system more efficient?

♦ Has modernisation led to greater transparency?

♦ Has modernisation led to greater accountability?

♦ Are decisions made more democratically?

♦ Has workload increased?

♦ Developments towards e-government

♦ What are the key benefits of modernisation?

2.2 Is the new system more efficient?

The modernisation of local government was intended to improve efficiency. Efficiency relates to the balance between investment, in time and resources, and the output or outcomes. In this context, greater efficiency would be achieved by gaining an outcome that is the same, or better, with reduced resources and/or time. Overall, the view was that since modernisation decision-making was faster, there were fewer committees, and the process was smoother with a focus on action and outcomes. However, although it appears to be more efficient there was concern that decisions were less democratic.

2.2.1 Issues in efficiency

Many of those involved in the study believed that it was too early to say whether or not the new system was more efficient. One of the CEOs was concerned that the new system was creating extra information and, therefore, more work. In some authorities the bureaucratic structures were being reconstructed because some members were unable to find a role for themselves. In these circumstances, issues had been examined at least twice and, therefore, the view was that the system was no more efficient post-modernisation than under the old system.

Those who were most negative tended to disagree with the whole idea of efficiency in the context of local government decision-making, even though decisions could be made very quickly. A member of a scrutiny committee was concerned that although the process of decision-making might be faster, '*We don't have a more efficient system – it doesn't deliver the right outcomes.*' One of the chairs of a scrutiny committee pointed out that:

> *There is no real change. I don't think we should be going for "more for less" anyway. The decisions should be thoroughly scrutinised and you cannot do this by saving time or money.*

A similar view was also expressed by some headteachers. Even though heads agreed that modernisation had contributed to greater efficiency, they were not always positive about the drive for greater efficiency.

2.2.2 Positive outcomes

In addition to the more traditional funding sources, local authorities are now strongly encouraged to bid for funding by meeting the criteria for external funding bodies, (for example, European Union) funding. This is viewed as one of the ways of achieving '*best value*'. The key to achieving '*best value*' is summarised as the four 'C's: challenge, compare, consult and compete. This approach now replaces the previous system of competitive tendering.

There was general agreement that since modernisation, decisions were being made more quickly. One of the CEOs explained that, '[We spend] *less time in committees than previously. It all takes less time, less paper and decisions are speedier.* Another CEO argued that '*less time is wasted*' and '*the system is more responsive - things are now more action-focused*'. Decision-making is no longer driven by bureaucratic procedures and this has contributed to greater efficiency in the use of time and resources.

2.3 Has modernisation led to greater transparency?

The modernisation of local government was intended to improve transparency of the decision-making process. This is assumed to mean that it would be easier or clearer for those outside the council to understand who makes decisions and how they are made. Overall, the findings of this research show that where there was greater consultation and involvement in the process of decision-making, there was an increase in transparency.

2.3.1 Issues in transparency

The modernisation of local government has taken place during a period of considerable and rapid change, and therefore it is not always clear which changes have come about through the process of modernisation and which have arisen following other government initiatives and directives. Only

one of the headteachers claimed that the system was still confusing. He explained that:

> There is a constant to-ing and fro-ing between what the LEA are saying and what central government is saying. Overall what you've got is a lack of clarity and transparency in the system, which is frustrating for everybody. That is the real problem. I am talking about the lack of transparency not only between schools and the LEA, but also between schools, LEAs and DfES. Now it's clear that every decision does go to cabinet but it is not clear what the relationship is between the cabinet and officers, and how that might be different from what it was previously.

There was some scepticism about the likelihood of greater transparency in decision-making, but many of those interviewed said that it was early days, and it would take more time before greater transparency could be achieved. One headteacher's view was that:

> They are trying to make the decision-making process more explicit, professional and transparent. It used to rely on lobbying and members were more hands-on but this was unhelpful.

In some local authorities there was concern about 'closed door decision-making', which was treated as 'skulduggery'. However, in other local authorities such close contact between decision-makers outside formal meetings was considered to enhance communication and facilitate speedy decision-making.

2.3.2 Good practice – in transparency

In local authorities where there was more optimism for the new arrangements, headteachers, officers and members of the council tended to argue that 'nothing has been taken away'. Good communication, particularly through forums, meetings and panels in face-to-face situations had contributed to best practice. There was also a degree of 'openness' that existed prior to modernisation and that had continued throughout the change process. The procedures were very clear, it had always been easy to meet with the public for consultation, and nothing was hidden. The chair of the executive in one of the local authorities explained that:

> We are open to the public and they are always welcome. There is no hidden agenda now – no scheming and tactics to get things through. It's all out in the open. But, much of that is because as chair, I make sure it is open.

The chair of scrutiny in the same local authority also confirmed, 'We meet with the public and we raise issues with various groups, and listen to their concerns.' This view was further supported by a comment from a headteacher working in the same local authority:

> There is more flexibility with this system. Much more transparency and the LEA, to be fair, will always respond positively to a request for greater clarity. So financial decisions will, if necessary, be unpicked and discussed.

2.4 Has modernisation led to greater accountability?

The modernisation of local authorities was intended to increase accountability: individuals, politicians and paid council employees are now expected to be more accountable for the decisions they make on behalf of local people.

2.4.1 Issues in accountability

The general view was that it was 'too early' to tell whether modernisation had led to greater accountability, and accountability is too complex to give a simple answer. For example, internal and external accountability might be affected differently as a result of modernisation. There was some concern about 'maverick activity' that could lead to decisions being made by individuals outside the committee structure. There was also concern about who would drive the new decision-making process, elected members or officers? Although there was general agreement that prior to modernisation the system was 'too bureaucratic' there was now concern that decisions could be made by an individual rather than a committee. Within the executive or cabinet there was usually 'no effective opposition', and they had the power to make decisions. In one of the local authorities 'there was no political opposition because all councillors belonged to the same political party.' Headteachers did not perceive any change in accountability since modernisation: although they were aware of the changes to the consultation processes, they did not necessarily link these changes to the modernisation agenda.

2.4.2 Good practice in accountability

The modernisation of local government seems to have been 'good for budgets' and it seems to be important to take into account the role the media plays in communication with local people about issues and decisions. Those who were members of the executive or cabinet felt 'freer and trusted' and the CEO argued that they 'concentrated on outcomes', 'consistent systems' and 'better communication'. There was general agreement that 'consultation helps' and there had been a reduction in 'lobbying'. The headteacher of one of the schools said that:

> Accountability has not lessened but the channels of communication are closer and governors are better informed. The expectation is of self-evaluation and self-analysis but with support. The modernisation agenda has begun this process and has replaced the need to lobby on behalf of our own schools.

2.5 Are decisions made more democratically?

Local authorities have been forced to re-examine democracy and explore new ways of making democracy work, such as finding innovative ways to involve stakeholders and clients in decision-making. The modernisation agenda is also intended to encourage greater interest and involvement in politics by local people, with a long-term view of increasing participation in local politics and raising the percentage of people who vote in general elections.

2.5.1 Issues in democracy

Overall, the current view seemed to be that there has been a loss of local democracy (especially where decisions have been taken away from local authorities through an increase in central government initiatives). The key reasons for this view were that:

♦ decisions were made by a smaller number of key people;

♦ the executive or cabinet comprised only members from the majority party;

♦ the majority party were making the decisions.

Although there were mechanisms for wider consultation, decisions appeared to be made by a small group of members from the majority party. This approach has contributed to a reduction in local democracy in the view of many of those interviewed for this study. This was also thought to be a reflection of a reduction in democracy nationally, where Government has short time-scales for consultation and make decisions with limited input from others.

2.5.2 Good practice in democracy

One of the headteachers explained that there is more democracy where there is scope for local flexibility but she believed that where decisions came from national initiatives, there is less democracy. *'Where there is room and opportunity for dialogue and discussion for the democratic process to take place – that does happen'*. Some local authorities had not taken away any of their existing consultation arrangements, but rather they had increased consultation mechanisms by setting up local forums and cluster groups between schools. A headteacher explained that: *'We have community groups and partnership as a way of giving local people more opportunities to be involved'*.

2.6 Has workload increased?

2.6.1 Issues in workload

Changes in workload varied depending upon the individuals' roles following modernisation. CEOs were aware that under the new arrangements they were *'generating more work all the time'*, and at the same time, *'a small number of key people are now involved in much more work'*. Although modernisation was intended to reduce bureaucracy and highly structured decision-making arrangements, a CEO said that:

> *We cut through a huge system of committees: that was the intention, but in addition to the executive we now have 11 committees. Think about the workload in servicing this.*

Another CEO also pointed out that workload had increased because of the number of meetings and the increase in time *'at the political interface'*. More time was spent preparing reports. The additional *'amount of consultation'* had increased workload and this seems to have *'increased bureaucracy'*. The workload had increased for one leader of the executive to such an extent that the post had now become a full-time job, and the diocesan representative from the same local authority speculated that:

> *This may affect who does the job now that it is more like a full-time salaried job. Members are more like employees. The portfolio holder for education is now on an income of £25,000, she is both salaried and elected. It's a low salary, but it gives the job a whole new dimension.*

Chairs of scrutiny committees had also found that the workload had increased and *'the responsibility is greater, both in quantity and range'* there seemed to be a *'great deal more to read and understand'*. Reducing the number of committees has not lessened the workload. The workload has only increased for some people, however, and one chair of scrutiny was concerned that,

> *An increase in workload for a small nucleus of people means that the potential for errors is heightened. Those members not involved in the front line decision-making process have to find ways of making a significant input.*

Following re-structuring the *'backbenchers were thought to feel even more "out of the loop"'* so that while some members had experienced an increase in workload, others had experienced a decrease. Although headteachers had generally experienced an increase in workload, this was not necessarily due to modernisation.

> *I've probably got twice as much now as I had when I started but you see I am not sure that has really got anything to do with this system of local government. I think it is to do with what is happening to teachers generally in schools.*

A headteacher explained that there were more *'meetings with education officers, consultations and working parties'* and another headteacher

suggested that it was '*a transition period, but there is a clear intention to work in partnership and to seek the views of heads*'.

From a teacher representative's point of view, although the same amount of time was required for meeting attendance, '*the work was harder and different, as scrutiny agendas were very full and meetings were time-limited*'. One parent representative had to get internet access at home, and now spends '*a good hour a day checking e-mails*'. Diocesan representatives appear to have been less affected, except in local authorities where the meetings had become more frequent.

2.6.2 Good practice in managing workload

The most positive impact on workload was based on two things: first, ensuring that following modernisation new committees had not been re-created to replace all the old ones; secondly, that the new roles were more strategic and less operational. One of the CEOs was quite positive about workload changes, and explained that '*there is now a more streamlined system of working between the council and the education service. They are able to work more strategically together*'.

2.7 Developments towards e-government

2.7.1 Issues in e-government

Local authorities have also been under pressure to develop 'e-government.' Communication and dissemination of information should be enhanced through greater use of information and communications technology (ICT). The intention is to develop what have come to be known as: e-communication, e-consultation and eventually, e-voting. Local authorities involved in the study were all attempting to meet the challenge of moving towards e-government. There had been rapid developments within a very short time, and most authorities were working towards e-communication and making documents available on websites.

Two out of eight of the local authorities involved in the study, however, were still using largely paper-based systems, but there was much support for moving towards greater use of ICT as soon as possible. During the transition period, however, there were concerns that some communications were sent twice, through e-mail and also by post.

2.7.2 Good practice in e-government

The use of technology in the 'call-in' process operated by a neighbouring local authority had impressed the chair of a scrutiny committee in one of the case study authorities. He explained that details of all matters considered by the executive committee were contained in the pages of the authority's website. All scrutiny members had access to the website and were allowed to 'call-in' issues for further scrutiny electronically, whilst on-line. Requests

from a minimum of four scrutiny members were required for a 'call-in' to be successful. Amongst the many benefits of this technological development was the capacity for education decision-making to be:

♦ faster, as members did not need to hold meetings in order to negotiate issues to be called-in;

♦ more democratic, as all scrutiny members had the freedom to suggest issues for scrutiny.

Some of the case study participants commented that one of the strengths of e-communication was that 'communication with the CEO (Chief Executive Officer) is easier and quicker and colleagues can remain in touch; it's quick and people are available'. Information had been made available on council websites in all local authorities, and in some cases this included minutes, agendas and papers for members of committees. E-communication had also been used to facilitate consultation, as one of the CEOs explained:

> We consult, on LMS [Local Management of Schools] for example, through our website, and we invite people to access this, with pages of FAQs [frequently asked questions] and e-mail contact for queries. We want to facilitate individual responses.

Communication had become much faster because of e-mail and all those involved seemed to be able to communicate with one another much more easily.

2.8 What are the key benefits of modernisation?

Those involved in the study were asked to indicate whether they could identify any benefits as a result of the modernisation. The most frequently mentioned benefits related to two areas: first 'portfolio working', because there was one person who was identifiable as the member of cabinet or executive, for education (or education and related areas). The second benefit, mentioned by a large number of those interviewed, was the 'joined-up working' or 'cross-cutting themes' approach, which also related to the notion of 'integrated service delivery'. There was much support for this approach and it seemed that many of those involved in decision-making supported this change, even where they were experiencing some operational difficulties.

Council members had also been aware of 'a change of culture' since modernisation, and they argued that in some cases there was 'a more strategic approach'. The focus had tended to shift towards 'the key strategic decisions', and the operational decisions were often left to officers. This was not true in all local authorities, some more experienced councillors were still focusing on the familiar – a more operational, mechanistic approach. A number of councillors and representatives commented that since modernisation a 'budget deficit is less likely' and there is 'less time

wasted. One of the key benefits that members mentioned frequently was that it was '*clear who makes the decision*' and the '*speed of decision-making*' was very apparent.

There has been '*wider consultation through ICT*' and in many authorities '*continued liaison with schools*' has led to '*more support for schools and less direction*'. The '*political emphasis has been reduced*' in some local authorities and there was '*proper partnership for diocesan* [representatives]'.

The next chapter examines the role of scrutiny since modernisation and concentrates on the function and challenges of the role.

3. THE ROLE OF SCRUTINY SINCE MODERNISATION

3.1 Introduction

The role of those involved in the scrutiny function is to examine the process of decision-making and the anticipated consequences of decisions, to ensure that decisions are properly and rigorously taken.

Scrutiny committees had interpreted their role widely to include an overview of decisions as well as, in some cases, the authority to call to account all those who make decisions. The role of those on scrutiny committees, however, was viewed as largely a reactive, rather than a proactive one, which marked a significant role change for members since modernisation.

This chapter summarises the key issues associated with the role of scrutiny in the eight case study local authorities, since modernisation, under the following headings:

♦ How is the function of scrutiny being carried out?

♦ How well is scrutiny working?

♦ What are the current challenges?

♦ Degrees of difference;

♦ Coping with role change;

♦ Looking ahead.

The study set out to identify areas of good practice to serve as illustrative examples of constructive approaches to the scrutiny function. Across the eight local authorities studied, there were none in which all those interviewed felt that the scrutiny function was working well, but there were some factors associated with the way the role was being carried out, that were viewed positively. Two local authorities in particular contributed significantly to this illustrative evidence of good practice on the basis that: the CEO, the chair of scrutiny, the leader of the executive (and, in one local authority, the Diocesan representative), were all very positive, even though they were aware of issues and challenges that needed to be resolved. One of the local authorities had a long history of single party overall control, and the second local authority had recently had a change in overall control.

3.2 How is the scrutiny function being carried out?

A number of key features of the scrutiny function were identified by members of scrutiny committees: calling to account those who made the decisions, calling in a report from officers and questioning them on its content. Some scrutiny committees were granted powers to call-in reports freely, others had a specific period during which they could *'call something in'*. Members were also there to *'comment'* or to *'deal with matters that were referred to them'*. A chair of scrutiny explained that their role was as *'a check and safety valve'*. There was general agreement that members of scrutiny panels *'interrogated the issues'*.

One of the issues facing those involved in the scrutiny function was the problem of separating the process of decision-making from the decision itself. This issue was often political and for those who had always engaged in political debate about the intended outcomes, the new role was a very challenging one. The role of scrutiny requires very delicate balance although one member commented that it is *'not in our interests to make scrutiny political'*.

The general view was optimistic and most believed that scrutiny has real potential, but its function remains quite unfamiliar. Members found themselves *'reacting to requests'* and *'looking at decisions that have been made or almost made'* and there seemed to be little opportunity to *'be creative'* or to *'work on their own projects'*. In the past, members had been expected to be proactive, and to make decisions through debate. The role of those on the scrutiny committees, however, was to be reactive. In some authorities, the role of scrutiny was still unclear, and members believed that *'those on the scrutiny committee may feel that they are not part of the decision-making process'*. Some local authorities still *'needed to establish a role for scrutiny'*.

3.2.1 Function – effective approaches

The scrutiny function seemed to work best when it was part of the whole decision-making process. This view is supported by the Liberal Democrat Group at the Local Government Association (GB. Parliament. HoC, 2002):

> *Those that feel their scrutiny committees have a real influence tend to be from authorities where a substantial amount of pre-decision scrutiny is taking place... Making all the information available to scrutiny members, members of the public and stakeholders organisations well in advance of a decision being taken is a key part of effective pre-decision scrutiny and ensures that they are able to participate, object or submit alternative proposals.*

The Transport, Local Government and the Regions Committee (TLGR), set up to examine the modernisation policy, concluded that *'Councils should give emphasis to high quality pre, rather than post, decision scrutiny of controversial matters'* (GB. Parliament. HoC, 2002).

A CEO explained that, '*The executive decided it didn't want* [scrutiny], *but knew it needed it to be the end process. They wanted there to be a role for scrutiny in the whole process.*' Scrutiny '*is not post-decision, it is during the process of decision-making*' it should concentrate on '*both the decision and the process*'. There seemed also to be much agreement about the proactive role of scrutiny in setting and monitoring of budgets, and this had worked effectively.

In one local authority where scrutiny had been particularly rigorous, but not confrontational, the chair explained that members of scrutiny must be '*prepared to ask the questions*' and to ask '*difficult questions*', they should '*keep pursuing it*' and scrutiny should be '*rigorous in its process*'.

3.3 How well is scrutiny working?

The view of scrutiny in all local authorities involved in the research was that it was still '*early days*' and scrutiny was not working '*as well as it might be – yet*'. Scrutiny was still in its infancy and everyone was thought to be '*learning as we go*'. There were three main operational issues that were a cause for concern, and had still not been solved: committee size, time issues and the length of the agenda.

3.3.1 Committee size

There was concern that in some local authorities scrutiny committees were simply too large, but this was a result of attempting to include a wide range of representatives as well as members from all political parties. The scrutiny committee in an authority where the committee was considered too large was made up of 23 people, five of whom were non-voting. However, there was equal concern that a smaller group would make a biased decision because there would be too few people represented and involved. The balance had been hard to achieve and on the whole, this had not been solved. One of the executive members explained that:

> *My honest view is that we don't meet often enough and the agendas are too long. They are effective though and the scrutiny panels have every chance to question us in-depth on some items. The least effective overview and scrutiny committee is the education panel because it is too large. It is not working well.*

3.3.2 Time issues

Many of those involved in scrutiny argued that they had not had enough time to scrutinise decisions, because the papers they were presented with were too long, and the issues often required specialist knowledge. One of the council members said that '*the papers are thick – they are specialised and have to look at things in a lot more detail than we do in the executive*'. It seemed that many members found themselves spending more and more time reading papers and keeping up to date with the issues.

3.3.3 The length of the agendas

Where meetings had remained relatively unchanged, members had found that agendas were too long and this had resulted in very full, but nonetheless time-limited meetings. Many members had found that the workload was too great, and for some, it was becoming almost a full-time job. Some local authorities had reduced the length of agendas by limiting the topics that were discussed, and by holding meetings more frequently than prior to modernisation.

3.3.4 Operational issues – positive approaches

One of the scrutiny committees that appeared to be working well, from the point of view of those interviewed was made up of 17 people (11 councillors, three parent governors, diocesan representatives and a teaching union representative). The proportion of councillors representing different political parties was calculated to match the political balance within the local authority as a whole. The chair explained that they worked as one group because:

> *First of all we tried breaking into small groups and taking one item each. But, what happened was the group made a biased decision based on what suited their own particular local area.*

Scrutiny committee chairs tended to argue that it was important to ensure there was *'enough time for scrutiny to look at things closely'*. In the same authority the chair of scrutiny said that it was *'important to talk outside meetings'*, and for scrutiny to be *'involved before we begin the consultation process'*. This scrutiny committee also concentrated on *'single issues and "getting to grips with them", rather than trying to cover several issues'*.

3.4 What are the current challenges?

There were a number of key issues and concerns that local authorities still viewed as challenging and which, in many cases, they had not yet been able to solve. These were related to:

♦ lack of power;

♦ intellectual challenge;

♦ access to information.

3.4.1 Lack of power

The view was that making recommendations and overviewing the issues had contributed to a significant reduction in personal and political power. Scrutiny members, particularly those from the minority political party, often expressed frustration at their lack of power to make decisions. The TLGR committee is also conscious of this situation, stating *'As we have undertaken our inquiry we have become increasingly aware and concerned about the councillors who report that they feel "excluded" from the decision-making*

process' (GB. Parliament. HoC, 2002). One of the councillors interviewed said, '*We do feel disempowered, we don't feel that our views were taken account of.*' The general view was that those on scrutiny and overview committees had '*influence rather than power*'. There was a general consensus that such committees were making recommendations, they were involved in the decision-making process, but could not make any decisions. As far as some members were concerned, they were '*not involved in decision making*' and things had been '*sewn up in advance*'. Their best chance of contributing to the decision was to '*reach a compromise*' because '*decisions are made by cabinet*'. Members said that it was difficult to know how to stop something, and they were '*not very good at scrutinising decisions that had already been made*'.

3.4.2 Intellectual challenge

The whole concept and operation of the scrutiny function had been challenging not just for local authorities as a whole, but for many of the individuals involved in the process of scrutinising decisions. There were considerable variations in the way individuals had been able to engage with the notion of scrutinising decisions. One of the headteachers commented that she '*wondered about the level of the intellectual debate*', and a member admitted that it had been '*difficult to grasp the idea*' of scrutiny. It was clear that to some extent all local authorities were still '*grappling with the process of scrutiny*' and that '*scrutiny was a problem*'. For example, one member commented that '*some people don't have any understanding of what scrutiny's about*' and another said that it was '*not clear how it should work*'. The capacity to grasp the notion of scrutiny relied to some extent on the intellectual capacity, skills and expertise of each individual and there had been a '*steep learning curve*' for most of those involved.

As a result of this difficulty, executive and cabinet members often criticised the job that scrutiny committees carried out. They complained that there was often a '*lack of knowledge or understanding*' of the issues and scrutiny members were '*not thought to know enough about what was happening*'. The process of scrutinising decisions was often viewed as '*simplistic*' and members complained that, '*they don't interrogate us*'.

A member of one scrutiny committee, however, complained that the cabinet '*didn't give us enough scrutiny work*' and it was '*too easy for them to fail to take us seriously*'. It was also apparent that very few of those involved in the study had been provided with any training to help them to carry out their role. Members were largely relying on their existing knowledge, skills and experience to cope with the demands of the new role.

3.4.3 Access to information

Members of scrutiny committees often explained that they did not have sufficient information to make decisions and they were '*asked to do the job without much evidence*'. To make recommendations, scrutiny committees often needed specialist knowledge because they were not necessarily well informed about the wide range of issues that reached their agendas. Members

were often asked to scrutinise decisions when they *'clearly didn't have all the information needed to make the decision or to advise on the decision'*. The leader of the executive from one of the local authorities explained that, We had a silo mentality before and now we work across a range of areas. This is positive, but it has implications for time and knowledge.

3.4.4 Challenges – positive approaches

The most positive approach to carrying out the scrutiny role was based on the knowledge that: *'We [scrutiny] have the right to challenge a decision. They [cabinet] have the right to make the decision'*. It was important for those on scrutiny committees to believe that they *'can have an impact on decisions through their authority'*. A chair of a scrutiny committee said we *'are not meek or subservient,* [and] *we don't just accept things'*. She also argued that a *'valuable link is the member attending the meeting'*. In this local authority the portfolio holder for education would normally attend the scrutiny committee meeting when education matters were being discussed – not as a voting member, but as a kind of observer, and for information on both sides. The need for scrutiny members to be well briefed before a meeting was also emphasised by the scrutiny (select committee) chair from another local authority:

> It is important for the select committee to work hard to avoid allowing the officers to get the upper hand and manipulate the members. So, we must be well prepared and briefed, but sometimes it is the officers whose job it is to do that.

Good preparation and asking penetrating questions were thought to be the key to scrutinising the decision-making process. The following advice for carrying out their role was offered by one chair of scrutiny. They should:

♦ establish the facts;

♦ be well-prepared and briefed;

♦ have specialist input when they need it;

♦ call in 'witnesses' (specialists) to help with the questioning;

♦ ask penetrating questions;

♦ make sure they answer all our questions.

3.5   Degrees of difference

3.5.1 Issues

One of the key issues that emerged from the study is that there were perceived to be differences between the individuals who carried out the scrutiny function, and those who performed an executive or cabinet role. For example, one of the CEOs said that there were *'weak members on the scrutiny committee because the stronger members are in cabinet'*. In another local authority the key difference between the cabinet and the scrutiny

committee was described in racial terms – the cabinet were '*white*' and the scrutiny committee were predominantly '*black*'. A member from another local authority explained that '*in an ideal world, members should be treated equally and therefore the two functions should be equal*': he implied that they were not equal. In one authority the chair of scrutiny described the portfolio holder for education as '*inexperienced*' and he in turn described his colleague as '*elderly*'.

One of the members also pointed out that there was '*a bit of needle between the executive and the scrutiny*', and in another case the relationship between the executive and the scrutiny committee was perceived to be '*confrontational*'. Scrutiny was seen '*as a bit of a pain in the butt and that is partly because of the personality of the current chair of the scrutiny*'.

3.5.2 Positive approaches

One of the key factors that seemed to influence the effectiveness of the scrutiny function was a '*good working relationship with cabinet*', but to some extent this is based on the historical and political context. A history of cross-party support and good relationships between members of different parties generally had also contributed to positive approaches to scrutiny. In one local authority they had also '*Work*[ed] *hard to avoid allowing the officers to get the upper hand and manipulate the members*'. There were concerns about confrontation, but this was dealt with by attempting to be '*very open and share all the issues with those involved*'. The following advice about constructive approaches to handling the scrutiny role emerged from a number of different local authorities. When exploring the issues, particularly when asking questions of other members, the scrutiny committee should:

♦   not be hand in glove with them – but should not give them a hard time either;

♦   avoid being confrontational;

♦   play it fair;

♦   try to be balanced and foster mutual respect;

♦   ensure that the debate is out in the open;

♦   not be meek or subservient.

3.6   Coping with role change

3.6.1 Issues

During interviews for this study, many non-executive members said that they felt '*deprived of a role*' since modernisation or that they were not yet clear what their new role was. It had been difficult for some to adjust to their new role, because they were required to carry out a very different job. An important part of their role prior to modernisation had been to engage in

debate and reach decisions. As a result of the modernisation process and restructuring, this very familiar role had been taken away from all those except cabinet/executive members.

As a response to this, some scrutiny committee members had found other roles, which might include more work outside committees, but in two local authorities the scrutiny committee had been 'with the old education committee' and there was concern that the old bureaucratic way of making decisions was being reconstructed. One of the CEOs said:

> The executive was created to provide more flexibility and to speed up decision-making. We don't want to just find ourselves creating more committees to replace the old ones.

However, since modernisation, the 'only opportunities that opposition members have is either through scrutiny or at full council'. The lack of a familiar role and a feeling of being excluded from decision-making were described by many members and representatives. One of the teacher representatives said:

> I feel there is absolutely no role really, other than that I make some noises and make some comment. (...) It can be very frustrating actually. We [teacher representatives] do feel disempowered – we don't feel that our views were taken account of.

3.6.2 Positive approaches to role change

The scrutiny committee that seemed to have least problems with its role was working in a local authority with a very large overall majority, and its members had received some training to help them to carry out the scrutiny role. The loss of power that those on other scrutiny committees have experienced was often based on the way in which those on the executive or cabinet had handled the delegation process. 'The executive must delegate powers to the committees'. If the cabinet/executive genuinely listened to the recommendations made by scrutiny, and valued the process, then there was less of a sense of disempowerment. A scrutiny chair explained that:

> If they [cabinet] don't listen to us, and don't value our [scrutiny] contribution but simply make their own decision, then members of these committees will become angry and feel that their time is wasted.

The role of scrutiny committees seemed to be that it was 'an arena for discussion and making recommendations' and 'a review of the decisions' and 'calling to account those who made the decision'. Smaller committees tended to function more effectively, even though this might result in more members being excluded. This problem had often been addressed by setting up a number of scrutiny committees, which examined a range of different themes. This had also been solved by setting up 'small working groups to investigate and report' in some cases. It also seemed important for scrutiny to 'focus on specific issues' and to question 'why they are pursuing the policy'. Close involvement throughout the decision-making process was

also more likely to help members to feel that they were continuing to play an important role, and that they had some power to influence the decision. The scrutiny function seemed to be less problematic when carried out as an ongoing part of the decision-making process.

3.7 Looking ahead

During discussions with officers, councillors and headteachers in the case study local authorities, a number of recommendations were made about the ways that scrutiny might function better in the future. These suggestions were speculative, rather than based on experience, and they cover the following themes:

♦ changing the function of scrutiny;

♦ improving the way scrutiny works;

♦ facing the challenges of scrutiny;

♦ the role of scrutiny;

♦ the potential of scrutiny.

3.7.1 Changing the function of scrutiny

The leader of the cabinet from one of the local authorities suggested that '*it was a mistake to build up cabinet before scrutiny was in place*'. To some extent, a weak scrutiny function allows members of the cabinet to make decisions without any checking or monitoring process. One of the CEOs recommended that:

> *The scrutiny committee should play a role in ensuring that decisions that are made, or recommended, should be part of the strategic plan for the borough and* [the scrutiny committee] *should have a role in making sure that happens.*

3.7.2 Improving the way scrutiny works

The leader of the cabinet from one of the local authorities suggested that it will take '*time and knowledge to be effective*' and scrutiny committees '*should meet more frequently*'. The chair of scrutiny had found that '*using an agenda is not the best way of discussing the issues fully*' and some meetings were conducted as an open debate on one issue.

3.7.3 Facing the challenges of scrutiny

There was much agreement that there should be '*support for the scrutiny process*' and that they (scrutiny members) '*should not work in isolation*'. Although there were concerns about the time and work involved, one of the members said that '*we train new councillors all the time. They need to find out more about the issues as well as how to carry out their role*'.

3.7.4 The role of scrutiny

In local authorities where scrutiny was still not working well, they (scrutiny members) tended to agree that they *'should hold the portfolio holder to account'* and *'delve into the issues, to check on the decision-making process itself'*. One of the overall roles of the scrutiny function was that decision-making should be *'councillor led and not officer led'*, but there was *'also a political versus operational balance to be struck'*. A chair of scrutiny recommended that

> *Constructive criticism is what is needed. Individual power is used to carry out scrutiny but we are learning as we go. We need to rely on individuals' skills and expertise.*

3.7.5 The potential of scrutiny

There was some agreement that scrutiny committees *'will make better decisions in the future'* and that it *'ought to function much better'*. Many seemed to believe that there was *'potential for it being better than the old system'*. It was acknowledged by a member of a scrutiny committee that *'we have to do our job well'*, but it *'could be improved enormously'*.

The next chapter examines in more depth the process of decision-making in the case study local authorities since modernisation.

4. POST-MODERNISED DECISION-MAKING

4.1 Introduction

This chapter explores decision-making mechanisms in action by summarising the process of decision-making and interviewees' accounts of the events leading to specific policy decisions. This exercise provided an opportunity to discuss a particular education decision in the context of the new arrangements, to illustrate the impact of modernisation.

CEOs were asked to identify a specific issue that cabinet/executive and scrutiny members had debated and, where possible, formulated policy decisions. Interviewees had been involved, in varying capacities, in the formulation of policies in relation to:

♦ school exclusions;

♦ needs-led funding;

♦ allocation of school places;

♦ regeneration of schools through private sector involvement;

♦ preparation of an education development plan;

♦ the future of a public amenity.

The aim of this approach was to show the extent to which local authority officers, elected members and other participants felt that the system was working well, and to identify areas of concern. Those who were interviewed were invited to discuss the following, from their own experience:

♦ who the key actors are;

♦ time taken to make policy decisions;

♦ mapping the decision-making process;

♦ how non-political party scrutiny members are involved;

♦ working relationships;

♦ how decisions are disseminated.

4.2 Who are the key actors?

Those who were interviewed for this study expressed concern about the small number of people who were expected to make decisions on behalf of communities in local authorities, and greater concern was expressed over the amount of influence held by some key people.

There were many examples of individuals using their power to make a key decision. A diocesan representative spoke of her frustration about the education portfolio holder's dominance, commenting that *'If the portfolio holder decided to do something we can't stop it'*. There was no doubt in her mind about who was controlling major decisions within the authority. She believed that *'the portfolio holder has the power, I had more power as diocesan representative before'*. There was agreement that cabinet/executive committees had a responsibility to make decisions. However, there was concern that the process was not benefiting from the involvement of the whole cabinet – instead the responsibility was often left to the education portfolio holder. When commenting on the decision regarding the public amenity, the cabinet/executive member admitted that it was *'not a group executive decision'*, rather it was *'one of those glorious "I can do this" decisions'*. Another portfolio holder commented on the authority's exclusions policy and said *'That is my responsibility, not the cabinet... it is an issue which is delegated to me'*.

Executive committees seemed to be satisfied with this arrangement, but there was evidence that non-executive members thought that the delegation of responsibility to an individual was inappropriate. In situations where portfolio holders held sole responsibility for decision-making, some of the interviewees pointed out that the potential for a biased decision was increased. The headteacher of one of the secondary schools commented on his local authority's regeneration policy saying that *'It was driven very much by one particular politician who no longer holds that position. But it was clearly a personal agenda.'* Slightly more cynical in his analysis of the situation and the role of the executive committee as a whole, the chairman of a scrutiny committee said that *'Cabinet make the decision and it is actually tested in a pseudo political star chamber.'*

In four of the authorities, CEOs played the key role in leading and pursuing issues, and were the influential figures in the education decision-making processes of their authorities. One of the CEOs explained that a lack of progress had spurred him to take control of the situation, *'I decided something had to be done, something radical was required.'* Another CEO commenting on how she got the process moving said *'The process began with me talking informally with the council's executive.'* However, as well as initiating and guiding the discussions, some CEOs had made the decision themselves, and used the cabinet/executive for ratification. A CEO, whilst talking about the LEA's allocation of places policy, declared that *'it was the Director's decision but I needed to consult and test the likely support of cabinet.'*

Some scrutiny committee members expressed concern about the way in which a CEO could manipulate and control the decision-making process. They were willing to be guided by officers, but were sceptical about the delegation of responsibilities to the CEO. One chair of a scrutiny committee, who was dissatisfied with the outcome, said *'that seems to be a rather perfect example of the fact that the Director of Education thinks it's a good idea'*. Commenting on the decision (concerning needs-led funding) arrived

at by his CEO, a secondary headteacher felt that the decision *'was not representative. It's a complete botch really'* and his view was that it should not have been dominated by the CEO.

4.3 Mapping the decision-making process

This section examines specific policy decisions, and maps out the stages leading up to policy formulation, to illustrate the patterns that were common to most of the authorities involved in the study.

In the conceptual model shown in Figure 1, decisions flow through a system whereby the scrutiny committee call in an issue of concern and holds the portfolio holder and any officers to account, before making its recommendations. Its recommendation might be, for example, to carry out a series of consultations with schools and/or the public before returning the proposals to scrutiny for further consideration. After the scrutiny committee has made its final recommendations, the cabinet/executive will either accept scrutiny's suggestions, adapting the policy accordingly, or reject the suggestions and pass its policy paper on to the full council for acceptance.

Figure 1: The decision-making process
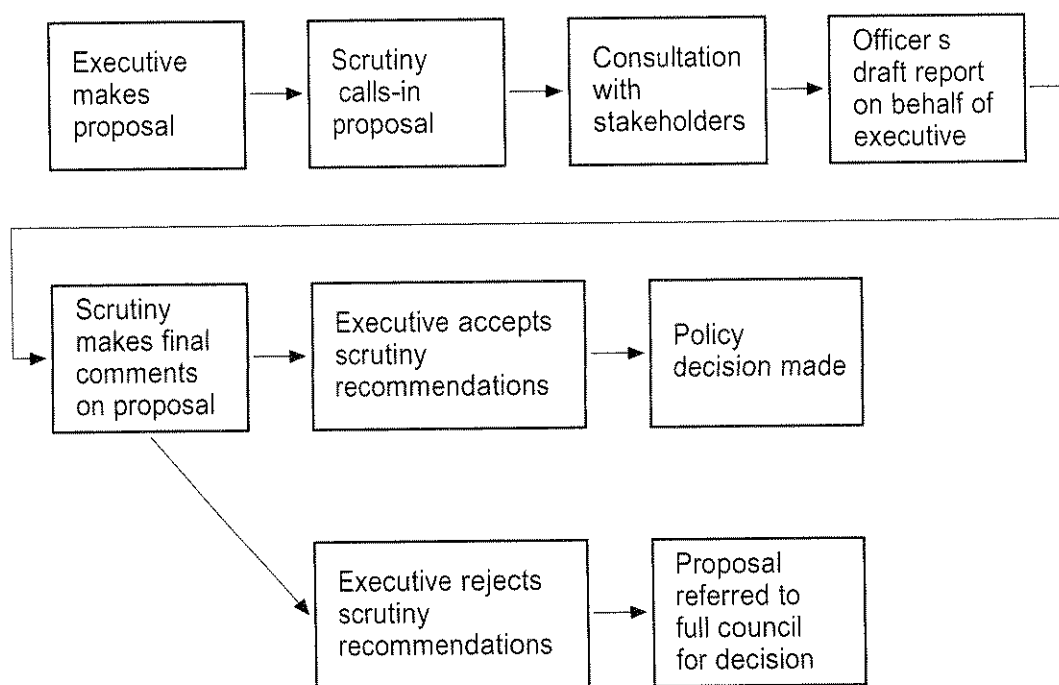
CEOs, the cabinet/executive and scrutiny members generally had a good understanding of how the system was expected to work. However, when they were asked to recount the various interactions related to specific decisions, it became clear that the expected model of the decision-making

process was rarely followed in reality. Dependent upon the authority, the starting point in the process could either be with the cabinet/executive or through officer intervention. In one of the authorities the process was triggered after the cabinet/executive was petitioned by members of the public. The chair of scrutiny explained that '*a lot of the residents have been up in arms ... we've got thousands of signatures off people.*'

Although approaches to decision-making in case study local authorities were not identical, the most frequently emerging patterns relied on officers (CEOs) bringing issues to the attention of the education portfolio holder, who then made decisions, which could be called in by scrutiny. A report was produced following a period of consultation, which provided information for the portfolio holder, who made the final decision.

Different issues required varying levels of officer or committee member input. Some issues were dealt with through the whole range of decision-making processes, while others skipped the consultation stage and not all decisions were scrutinised by the scrutiny committee. One of the CEOs explained that the process of scrutiny was not always carried out:

> *Decisions should go to the Chair of Overview and Scrutiny from the Portfolio-Holder for Education, and the Overview and Scrutiny should hold the Portfolio Holder to account – that doesn't happen here – here it* [scrutiny committee] *is just an arena for discussion and making recommendations.*

In some cases there appeared to be some confusion about the process of decision-making which suggested a lack of communication. Comments made by three people from the same authority exposed a number of contradictions. Whilst explaining the decision-making process in relation to this issue, the teachers' union representative stated that '*they* [executive] *have actually accepted the report*'. However, contradicting this the portfolio holder asserted '*I haven't actually taken any decisions on it*'. A secondary headteacher of the same authority complaining about the lack of clarity in the decision-making process said that '*They were not using the systems and of course it just confuses people really. You don't know where things are going to come from*'.

A scrutiny chair who was disappointed with the lack of involvement by the scrutiny committee in the decision-making process, said that '*we seem to be moving towards a system where the actual need for an elected member is being called into question.*'

4.4 Time taken to make policy decisions

4.4.1 Issues

The amount of time taken for some local authorities to advance issues through their decision-making processes and develop policies was seen by some to be excessively long. Given that certain issues may undergo more extensive scrutiny and consultation than others, committee members and headteachers alike have expressed concern that matters are not being dealt with as quickly as they would expect. One of the concerns was that when matters take a long time to be resolved, those individuals or groups who were most affected, may not benefit from the policy outcomes. A diocesan representative explained:

> *It has taken a year for the thing* [exclusions] *I was anxious about a year ago to now start to be addressed and it will probably take another year, you know, by which time the children who were the case in point have long since left the school.*

A headteacher pointed out that the long time delay in arriving at a final decision in his authority served to *'provoke a lot of anxiety'* and *'generate anger'* amongst those who were most affected by the decision. On the other hand, others (such as one of the diocesan representatives) were more philosophical about the length of time taken to introduce policies, recognising that things *'can't change over night'*. In its examination of the modernisation policy, the TLGR Committee *'received some evidence that decision-making may have become faster under the new arrangements'*. The Committee concluded that *'many controversial decisions can benefit from slow, thoughtful decision-making which can enable councils to get agreement from a range of people'* (GB. Parliament. HoC, 2002).

4.4.2 Positive approaches

In one local authority the process of decision-making since modernisation was considered to be very effective at reducing the time taken for decisions. A decision could go through in two weeks or perhaps a month. The executive in this local authority meets every two weeks and the portfolio holder was responsible for the main reporting. Urgent or important decisions were put on the agenda and discussed by the executive at the next opportunity. The Diocesan representative explained that *'by meeting two-weekly'* the executive was giving scrutiny members the opportunity to *'respond quickly'*. *'The key people can make some of the decisions. Larger committees take longer as there is more discussion and debate'*.

4.5 How are non-political party scrutiny members involved?

4.5.1 Issues

A number of CEOs and elected members offered their views on the extent to which non-elected members of scrutiny committees (union and diocesan representatives and parent governors) and headteachers, were involved in the decision-making process. One of the CEOs said that all scrutiny members were kept informed and '*they were aware all through the process, and so were heads and governors.*'

Non-elected members' own views of the opportunities open to them to engage fully in the decision-making process were very positive. A diocesan representative from one authority praised the openness of the executive because '*everyone is aware of the problem and* [they] *contribute.*' Another diocesan representative (from a different authority) spoke about how the new arrangements had provided a sense of ownership for non-elected members of scrutiny committees:

> *We feel more accountable for education than we did before. Education overall raises complex issues and it would be all too easy to put the officers to the forefront and let them take the lead; it is a temptation.*

A teachers' union representative felt that the select committee approach to dealing with specific issues enabled her to get more involved in scrutiny and engage her expert knowledge of the issue under investigation:

> *I do think the select committee approach has been very good: it is the first time that I have been able to go along and as a Trade Union representative make an in-depth contribution.*

One of the headteachers expressed her satisfaction at being given the opportunity to contribute to the decision-making process through the various consultative forums. This headteacher felt that by '*going to meetings and speaking at meetings, completing the consultation forms and questionnaires*' she was making a constructive contribution.

Others, however, felt as though they had been omitted from crucial education decisions. Speaking about a recent policy decision made by the executive committee, she said '*I wasn't made particularly aware of that as a Head Teacher so I wasn't directly involved with any discussions about that or it wasn't put high on anybody's agenda.*' A teachers' union representative felt that teacher input was minimal as '*the decision to change ... was described as a political decision where teacher reps did not have much influence.*'

A minority of the elected members challenged and questioned the effect that having non-elected members of scrutiny was having upon local democracy and the decision-making process. A chair of a scrutiny committee thought that scrutiny committee places would be better filled by elected members, some of whom were being replaced to accommodate the non-elected members. He said that:

> *We have been told now that we must have, as members of it, church reps and members representing the schools... so everyone in opposition who is on that committee is booted off to keep the committee small. I think that's fairly typical of how decisions are being made. The elected members are being thrown out and the other groups and the ruling party are on the committees.*

The scrutiny chair from another authority felt that non-elected members were unable to fully engage in the decision-making process as *'they don't really understand this new system at all.'* Another scrutiny committee chair criticised the input of non-elected members even when they were present:

> *They still play under the old committee system. They come along, they are happy to come every six weeks, make a couple of comments and then go home again and not have anything to do or say.*

In response to this, the headteachers and other non-elected representatives argued that often they were asked to contribute to policy decisions that had already been decided upon. A headteacher felt that there was little point in getting involved in the consultation as *'really it was a fait accompli'* and there was little that she could do that would have any meaningful impression on the policy decision. Likewise, a parent governor speaking about the effectiveness of the call-in procedure felt that *'Some stuff by the time it comes to scrutiny the decision has really been made.'*

4.5.2 Positive approaches

Elected members in one local authority had encouraged the non-elected members to engage fully in their decision-making processes, by extending their remit. For example, although non-elected members of scrutiny committees were usually non-voting participants in the process, one of the scrutiny committee chairs extended their privileges to allow them voting rights: *'Co-optees don't officially get to vote but on my committee they do'.*

There were examples of scrutiny members endeavouring to ensure that executive policy decisions were 'called-in' and effectively examined. In order to carry out this in-depth examination of issues, scrutiny committees had formed smaller select committees, to commission surveys and interview officers and elected members. The select committees were usually a cross-party group of interested individuals accompanied by experts in the specific area under investigation, and set up to investigate a specific issue. As part of their investigation, one select committee (which had been set up by the scrutiny group of one of the case study authorities) carried out school visits,

interviewed individuals and commissioned a university to conduct research. The CEO of that authority felt that '*it was a very comprehensive model of what a scrutiny commission should be doing*'.

Clearly, in most cases interviewees could identify who they thought the dominant and most influential figure was in the decision-making process. The processes through which issues have travelled before becoming official policy was less obvious to interviewees. Some attempt, however, was made to re-trace the process with respect to the issues identified.

4.6 Working relationships

Members of cabinet/executive committees and scrutiny committees, as well as CEOs, had had to adjust their attitudes towards local democracy and the decision-making processes. This change had been handled in a variety of ways, with some scrutiny members taking a more proactive approach than others, with varying levels of both conflict and compromise emerging.

4.6.1 Roles and responsibilities

Some of those interviewed gave their opinion of what they thought differentiated the cabinet/executive from scrutiny. A scrutiny chair said '*scrutiny can make recommendations, not decisions. Executive can accept or reject those recommendations.*' An executive committee member explained why he was happy with the new arrangements and the reduction of scrutiny members' responsibilities:

> *They* [scrutiny] *were the only people under the old system that had a dual role, because they were on the Education Committee and they were also on scrutiny ... the same people, which was nonsense actually. I think that one good thing about the new constitution is that clarity between who scrutinises and who makes decisions.*

4.6.2 Issues – conflict

Some cabinet/executive and scrutiny committees appear to have found it very challenging to build a good relationship, and this relationship had occasionally been acrimonious. In one authority, the CEO referred to '*a strenuous interesting relationship*'. Scrutiny committees are required to '*call officers to account*', but one of the case study scrutiny chairs was disappointed that the CEO and executive reacted negatively when this step was taken. He argued that '*If the scrutiny process is critical of the officers, this should be acknowledged.*' Speaking about the difficulties that the scrutiny committee experienced in putting pressure on the executive to involve them in the decision-making, another scrutiny chair explained that

'there really was reluctance from the executive side to have anything to do with it all and let the panel [scrutiny] *make any decision.'* The same scrutiny chair went on to explain that the executive had resisted the recommendations forwarded by scrutiny, but with persistent pressure the executive yielded. He claimed *'It was our biggest victory so I'm quite pleased about that.'*

4.6.3 Positive approaches – harmony

Interaction between cabinet/executive and scrutiny committees is not always antagonistic. Some of those interviewed testified to relatively harmonious dealings between the committees. A scrutiny chair spoke about how, in addition to their main responsibilities, the scrutiny committee was given the scope to get involved in policy development matters:

> *The committee has a great deal of freedom to put ideas together on things they may want to look at and the Director of Education also has an input ... it's not a confrontational atmosphere.*

When asked about a specific policy decision, the portfolio holder from another authority explained that the executive and scrutiny committees managed to co-operate well. He said, *'we ended up with a compromise after the decisions went through overview and scrutiny.'* A more cynical analysis of the relationship between the committees, was offered by a diocesan representative who argued:

> *The Labour Government now has Tory policies, and so it is not a problem to get government policies through. The Labour and Tory members are in agreement.*

4.7 How are decisions disseminated?

4.7.1 Issues

Once decisions have been made and policies formulated, the details will be relayed to schools and other stakeholders through a range of media, to inform the people responsible for administering the actions, as well as those who may be either directly or indirectly affected. Local authorities varied in the ways in which their cabinet/executive committees communicated the decisions. There were some examples of occasions when those interviewed had first received knowledge of decisions through the local newspapers. Where this had happened individuals expressed disappointment, and explained the problems: that it caused arguing, and that they should have had prior knowledge of the decision. One of the headteachers summed up the dangers of allowing the information to be prematurely passed on to the press:

> *It was headlines. The press put a bad spin on it – because they would... So that the Acting Director had to email all schools as a matter of urgency saying "There's been a misunderstanding".*

By allowing the newspapers to have access to policy documents before the key actors had had a chance to familiarise themselves with the main issues, the cabinet/executive exposed officers, schools and other stakeholders to unsolicited complications. The CEO confirmed that this action was '*an example of unjoined-up working*'.

4.7.2 Positive approaches

In terms of the issues discussed with the interviewees, the most common method used for the dissemination of information was through meetings. One of the scrutiny chairs confirmed that in their authority, '*consultation is still through meetings, public meetings. These mechanisms have not changed.*' In another of the authorities, whilst they did not use e-mail to disseminate important policy decisions, '*e-mail is used constantly but mainly for informal communications*'. This authority had a preference for all policy directives to be passed to the appropriate people in hard copy (paper) format, so that '*guidance is always written guidance.*' The headteacher of another authority received details of the new policy directive through a mixture of meetings and documentation:

> *There were various meetings and a lot of documentation and planning documents sent out to all heads.*

The next chapter draws together the conclusions emerging from the study.

5. SUMMARY AND CONCLUSIONS

5.1 Introduction

To some extent, the analysis of interviews and case study materials collected for this study, in common with research by Radnor et al. (1998, p.126), reveal:

> A state of flux and continuous change in almost all aspects of local government activity and [a] concomitant sense of uncertainty about many aspects of local authority responsibilities and future directions.

This chapter summarises the key issues and ideas that have emerged from the study. Modernisation is still in a period of transition, and the new arrangements are still relatively unfamiliar to council members, officers and headteachers in schools. It is still very early to examine the full impact, and those involved are still speculating about the outcomes of the changes. The main impact has been on the council members and officers, although they are often polarised in their views depending upon whether their role in decision-making has increased or decreased. Headteachers are generally not aware of any significant impact on schools as a result of modernisation. Executive and cabinet members tended to be the most positive and optimistic because their personal involvement and power had increased.

Some councillors are still suffering a kind of bereavement for the old system. For many councillors their job was to engage in the debates surrounding decisions, and it has been difficult for some to shift from an emphasis on operational issues to a more strategic approach. There is a sense of loss now that the bureaucracy has been dismantled, and there is much uncertainty and concern about what will replace the old system. Because there has been flexibility, in many cases a small cabinet/executive are now making most, if not all, of the decisions with little opposition, especially if the scrutiny function is weak. In some cases the decisions appear to be made by one key individual, with little opportunity for debate with council members. There are also concerns that many council members have no role in decision-making and they have become disempowered by the new arrangements. Although this is more likely to be the experience of those from political parties that are in the minority on the council, some of those from parties with an overall balance of power also felt excluded. Not surprisingly, those on the cabinet/executive are more positive about modernisation than those who are excluded.

It is not always clear which changes have come about through the process of modernisation, and which changes might have come about through other government initiatives or through local reorganisation. Headteachers were unable to identify changes that had come about through modernisation alone because many had experienced considerable change and reorganisation throughout the same period.

The conclusions to this study have been summarised under three headings. First, there are four key emerging issues in relation to the impact of modernisation: culture; communication; consultation; and co-operation. Second, there are a number of 'hindrances' and 'enhancers' to education decision-making under the new arrangements, which have been summarised following analysis of research data. Finally, a chart is provided, which summarises the key concerns expressed by those interviewed, and which provides illustrative examples of some of the positive approaches to decision-making within the new modernised structures.

5.2 The impact of modernisation

5.2.1 Culture change

Local government modernisation has resulted in a change of culture, and most council members are still learning to cope with the new and unfamiliar roles and ways of doing things. Those who had gained personal and professional power from their knowledge and experience of how the old procedures worked are experiencing a period of disorientation and some are still adjusting to their new roles. Decision-making is no longer driven by bureaucratic procedures in most local authorities. Decisions are often made relatively quickly by a small number of individuals and this has contributed to greater efficiency in the use of time and resources. There is, however, some disagreement about whether education decision-making should be efficient and it was considered to be a political issue about which some people disagreed.

Where the new roles involve members in a more strategic and less operational role, this has had an impact on workload. The main impact of modernisation had been an increase in workload for council members and officers in a cabinet or executive role, but a reduction in workload for others.

5.2.2 Improved communication

Close contact between decision-makers outside formal meetings was considered to enhance communication and facilitate speedy decision-making, but the way this is carried out is crucial. Openness and flexibility are important and regular contact tended to facilitate good communication. Good communication in advance of meetings, with access to specialist information, when appropriate, had contributed to consensus decision-making.

However, collaboration and discussion, before decisions were formally made, was viewed by some as undemocratic and a move towards a more autocratic approach to decision-making. Overall there is a feeling that there has been a loss of democracy because the decisions are now made by a smaller number of people. Where decisions are made by a smaller number of people it is important for them to communicate effectively with those involved and those affected by the decision. The leadership style of key individuals is often what makes the difference – a 'strong leadership'

approach is more inclusive and empowers those on scrutiny committees to contribute to decision-making.

Members of scrutiny committees often explained that they do not have sufficient information to do their job. The best solution seems to be to facilitate the process of scrutiny by inviting specialists to give presentations and provide additional information as part of the process of scrutinising a small number of key decisions, until those on the committee felt able to make recommendations. Training to carry out the scrutiny role had also contributed to improving morale of those on scrutiny committees and enabling them to take initiative, or be more proactive within their remit. Attempts to include a wider range of stakeholders may need more time, before this approach is able to compensate for the reduction in debate among council members.

5.2.3 Increased consultation

There was general agreement that increased consultation is one of the benefits of modernisation and there has been a reduction in lobbying. Headteachers had been consulted about educational decisions, and many welcomed this approach. However, this tended to work best when a variety of consultation mechanisms were in place in addition to recent developments using e-communication. There have been rapid developments within a very short time, and most authorities were working towards e-communication and making documents available on websites. This development, however, is not entirely a result of modernisation, although in some local authorities use of the internet had facilitated wider consultation.

5.2.4 Co-operation

When working effectively, scrutiny has the potential for bringing about improvements in the decision-making process through effectively challenging important aspects of decisions. The best practice seems to indicate that the function of scrutiny is facilitated by a co-operative working relationship based on mutual respect between the cabinet/executive and scrutiny committee/s. Scrutiny committees are able to be more effective if the executive or cabinet have handled the delegation process well.

The scrutiny function seems to work best when it is part of the whole decision-making process, although the role of scrutiny is still problematic. Scrutiny can only function effectively if it is fully supported by the cabinet/ executive – that is, if the scrutiny function is valued as a way of supporting the process of making decisions. It was important for those on scrutiny committees to believe that they could have an impact on decisions. It can be in the interests of those on the cabinet/executive to have a weak scrutiny function because their decisions are less likely to be challenged and they are less likely to be called to account. Cabinet/executive members need to facilitate the scrutiny function, empower scrutiny committees and use it as a sounding board for decision-making.

5.2.5 Benefits of modernisation

There were areas of agreement about the key benefits of modernisation that related to the move towards portfolio working, cross-cutting themes and more emphasis on strategic decisions as opposed to operational decisions. There is much support for these changes, although it seems to be too early to report on what is working well. These issues could perhaps a starting point for further research.

The impact of modernisation of education decision-making is summarised in Table 1. This table shows some of concerns that local authorities have expressed and the positive approaches that authorities have employed to tackle these problems. As the process of change is relatively new for many of the individuals who are charged with the task of decision-making, committee members and officers are still working out best practices for their local circumstances. Although Table 1 does not provide a complete list of actions necessary to bring about a successful decision-making system, it shows the strategies that the case study authorities, which were at varying stages of modernisation, have employed to tackle these issues. The table shows areas where the case study authorities have not demonstrated any 'positive approaches' towards dealing with the concerns raised. For example, where cabinet members have taken advantage of less informed scrutiny members, interviewees have not demonstrated that they have developed any 'positive approaches' to deal with the situation.

Table 1: Approaches to decision-making

Issues	Concerns	Positive approaches
Efficiency	Quality of outcome sacrificed in favour of speed.	More focused, shorter more frequent committee meetings.
	Insufficient scrutiny of decisions.	Reduction in bureaucratic procedures and focusing on a small number of key decisions.
		Embracing the principles of 'best value'.
Transparency	Lack of clarity about structural arrangements.	Good communication and consultation.
	Informal decision-making.	Openness and clarity.
Accountability	Individual non-committee members or officers. influencing decision-making.	Effective communication reduces the need for lobbying and reduces the effects of disempowerment.
	Lack of effective opposition in cabinet and scrutiny committees.	Improved training to enable scrutiny members to carry out their role.

Issues	Concerns	Positive approaches
Local democracy	Increase in central government initiatives.	More democracy through local flexibility.
	Decisions made by small number of people.	Set up consultation groups and partnerships in addition to existing mechanisms.
		Good communication and openness between scrutiny, executive, and officers. Benefits for finance and budgeting.
Culture	Elected members unwilling to delegate operational matters to officers.	Officers to take on the mechanistic (day-to-day) activities while councillors engage with more strategic issues.
Scrutiny working	Small scrutiny groups generate biased decisions.	Fully representative scrutiny groups, including non-political representatives.
	Scrutiny members struggle with concept of scrutiny.	Training sessions for scrutiny members.
	Manipulation of weaker scrutiny members by executive.	
	Members not fully engaged with scrutiny process.	Sufficient briefing prior to meetings. Encouragement to call-in expert witnesses when required.
	Poor relationships between executive and scrutiny committees.	Members should maintain a professional distance without being obstructive. More effective delegation to enable scrutiny to carry out their role. Fairness and politeness may foster mutual respect between executive and scrutiny members.
	Lack of influence over decision-making.	Effective call-in strategies for scrutiny. .
E-government	Many authorities still very paper-based and fail to utilise technological advancements in relation to their decision-making process.	Increased use of websites and e-mail for communication and to 'call-in' issues for scrutiny.

The research findings summarised in Table 1 suggest that there is a requirement to improve the levels and methods of communication between

cabinet/executive, scrutiny and officers in order to improve 'transparency', 'accountability' and working relationships. The findings also indicate that scrutiny members are motivated and are better placed to engage in the decision-making process where there is a reduction in bureaucratic procedures and where effective call-in strategies are introduced.

Further analysis of the discussions held with those interviewed in the case study authorities resulted in a further categorisation of responses into those issues that have either a positive or negative impact on education decision-making. Specifically, at this stage it is important to know the extent to which there are 'hindrances' to education decision-making and 'enhancements' to education decision-making. Table 2 summarises the key issues influencing decision-making since modernisation.

Table 2: Key issues influencing education decision-making since modernisation

Hindrances *Factors that have a **negative** impact on education decision-making*	Enhancements *Factors that have a **positive** impact on education decision-making*
• Elected council members are struggling with the cultural transition taking place as a result of modernisation.	• Leaner and less bureaucratic structure achieved through time-saving strategies and effective use of resources.
• Lack of 'transparency' and continuing reliance on lobbying, diminish the democratic process.	• 'Transparency' promoted through increased public access to consultation groups and committee meetings.
• Concerns about 'accountability' exist where responsibility for decision-making is delegated to fewer individuals.	• Improvements in the decision-making process are achieved where there is greater co-operation between committee members.
• Weak scrutiny processes that rely upon public forums and media interest to hold decision-makers to account.	• Close working relationship between executive and scrutiny, with clear delegation, together with use of media and e-communication.
• Poorly defined scrutiny role leads to confusion and dissatisfaction amongst committee members.	• Greater emphasis on strategic issues is less time consuming and provides a focus

Finally, the benefits of modernisation to date appear to be related to the speed of decision-making, perceived improvements in budgeting and wider consultation with the community. Non-elected members also appeared to feel more involved in decisions, even though they rarely have voting rights. Some members also speculated that the changes are so significant that this may affect who chooses to become a councillor in the future. In conclusion, one of the CEOs reflected,

> *The really good things are not about the structure, when we meet, and how many committees we've got – it's about good communications, it's about the customer focus and about the portfolios. That's where the good practice is.*

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