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November 2022

Dear Rebecca,

## **Scrutiny Improvement Review – CfGS consultancy support**

I am writing to thank you for inviting the Centre for Governance and Scrutiny (CfGS) to carry out an evaluation of West Northamptonshire Council's (WNC) Scrutiny function. This letter is our feedback on our review findings and offers suggestions on how the Council could develop its Scrutiny process further.

As part of this feedback stage, we would like to facilitate a workshop with members and officers to reflect on this review and to discuss options for improvement.

### **Background**

West Northamptonshire Council commissioned CfGS to advise and support its members and officers in the review of the Council's Scrutiny function. The aim was to ensure that Scrutiny is effective in delivering accountability, improving policy and decision making, and that scrutiny makes a quality contribution in the delivery of Council plans and overall improvement.

WNC is a new council, therefore its Scrutiny function is has been in place for just over a year. It is therefore appropriate and sensible to review how it is done so far. Therefore, this review is designed to check and test that Scrutiny is meeting the Council's high expectations of democratic accountability, and that the interface of decision-making and Scrutiny is effective and relevant.

West Northamptonshire's political structure is based on a Cabinet-Cabinet model. Its current Scrutiny arrangements consists of a Co-ordinating Overview and Scrutiny Group, plus three Scrutiny committees.

CfGS undertook a review of these scrutiny arrangements, involving evidence gathering through conversations with members and officers during 10<sup>th</sup> -11<sup>th</sup> May 2022. In addition, we observed two live scrutiny committee meetings: Corporate O&S on 10<sup>th</sup> May 2022 and Place O&S on 17<sup>th</sup> May 2022, via a live remote video link. We also reviewed previous minutes of committees, work programmes and other key documents via the Council's website.

CfGS met with elected members and officers, including Leader, Cabinet members, Group Leaders, Scrutiny Chairs and members of the Scrutiny Committees.

The review was conducted by:

- Ian Parry – Head of Consultancy, Centre for Governance and Scrutiny
- Manisha Patel – Associate-Consultant, Centre for Governance and Scrutiny

The findings and recommendations presented in this letter are intended to advise the Council on strengthening the quality of scrutiny activities, increasing the impact of its outputs, and through its members, developing a strong and shared understanding of the role and capability of the Scrutiny function.

## Review Summary

### 1. Scrutiny has the conditions for success

1.1 The conditions for successful scrutiny are clearly present at West Northamptonshire; there is a shared understanding from members and officers that good governance involves scrutiny, and when used effectively, scrutiny can add value to decision-making. All of those interviewed believed that improvements can be made to make scrutiny more effective and to add greater value.

1.2 Members recognise the benefits of change and improvement, and this presents a good opportunity for the Council to further develop the way in which scrutiny operates from its current position, while it is still in a learning and exploring mode. Strengthening its role could also aim to elevate the status of Scrutiny, so that it is recognised as a strategic function and is fully utilised as a resource to support continuous council improvement.

1.3 It is also important to note that this review has the support of the Leader and Chief Executive, who both expressed a strong desire to support Scrutiny and confirm that its role is central to open, transparent decision-making and accountability in the Council. We therefore would stress that this confirmation and buy-in at the most senior political and officer level is crucial to improvement and therefore is highly valued.

1.4 Our review identified several positive indicators for Scrutiny, most notably; the positive attitude and commitment of members and officers, the mature cross-party working in the scrutiny context, the overall capacity and range of experience of members, as well as the strong belief that more can be achieved. The council has a strong cohort of committed councillors across the council and is therefore in a good position to progress. There were other positive behaviours and practices which this report will also highlight.

1.5 The commitment of members and officers to this review and the ambition to drive improvement in Scrutiny was further indicated by good attendance of those who were invited to meet with the CfGS review team. We appreciated this high level of participation and everyone's constructive contributions in interviews and discussions. The review team were impressed by this high level of commitment.

1.6 We also feel that it is important and central to this report to make it clear that this review took place just over a year after the Council was established. Therefore, we feel that it is important to record and recognise that alongside all the complex challenges and competing demands of establishing a new unitary authority (and with the added stresses of the Covid pandemic) that its democratic structures including its Scrutiny function are operational and running relatively smoothly.

1.7 This is a significant achievement and even though we feel that Scrutiny is in some respects still finding its feet, overall, it is certainly up and running.

1.8 We would therefore like to commend the council, its officers and members on this achievement.

1.9 The task now is to build for the future and ensure that the scrutiny model, through further development and refinement, is able to deliver a high-quality service to the Council and the communities it serves.

## 2. Officer support and organisational culture

2.1 The foundations for good Scrutiny start with the context in which it operates and the position it holds within the council.

2.2 We were reassured by the Council's senior leadership team's commitment to properly supporting Scrutiny, even if at times the understanding of the Scrutiny objective can be unclear. Our conversations with members were positive about the assistance they received from officers who support Scrutiny and were overall satisfied that support meets their current needs.

2.2 Organisational culture is also identified as foundational in improving the quality of Scrutiny. This review noted that Scrutiny mainly operated in space that was generally free from adversarial political activity and was largely collegiate. Scrutiny's ability to effectively carry out its business, rests on the strength of organisational and committee-based culture. This includes but is not limited to:

- Mutual respect between members – within the context of robust political debate and disagreement, and Members respecting officers as professionals.
- members and officers understanding their mutual roles and responsibilities – in the most basic sense, that councillors lead on strategy and overall direction, while officers lead on delivery and implementation.

2.3 These cultural aspects above are present at West Northamptonshire, but more needs to be done to position and orientate Scrutiny as a total-council, cross-party collaborative endeavour which has clear objectives which are widely understood and have broad buy-in from members.

2.4 More could be done to engage earlier with Cabinet members to help shape and improve through early constructive challenge. Furthermore, there is a real opportunity for Scrutiny to be better aligned with core corporate plans of the council. We explore this further in this report letter.

2.5 Perhaps unsurprisingly, as many scrutiny committee members have previous experience from different Districts within the former county, that the style of Scrutiny has not yet fully formed its own style and currently can feel like a mix of Scrutiny cultures.

2.6 Overall we found that Scrutiny is valued in the council as an important part of governance, democracy and accountability and receives strong support from political leaders, corporate officers and an experienced democratic services team who provide the right framework for good scrutiny.

## 3. Clarity on Scrutiny's role and responsibilities

3.1 Scrutiny's overall role is to hold the Cabinet to account, to assist policy development, contribute to improved decision-making, and channel the voice of the public. A good Scrutiny function is one that provides robust, effective challenge. But equally, is recognised and valued as a positive influencer of policy and key decision-making through constructive challenge, positive enquiry, and quality insight.

3.2 Through our evidence gathering, members involved in Scrutiny could articulate the role that Scrutiny should play in being an integral part of the Council's governance structure and contributing to the council's budgetary and policy making function. However, some members seemed to be unclear on how exactly Scrutiny should be holding the Cabinet to account. We observed meetings where a lot of time is spent focusing on officer presentations and less time in

enquiry and scrutiny mode. It is essential that Scrutiny meetings do not become classrooms for learning and information up-dates, but remain focused on the scrutiny task, challenge, and improvement.

3.3 We observed that Cabinet participation in Scrutiny could be limited to providing additional information or reassurance. Our suggestion is that if the meetings are properly framed around Cabinet members with robust, constructive (but respectful) challenge, Cabinet members should find the experience tough and challenging but equally useful, supportive and beneficial. We suggest that a 'select committee' style would be appropriate at West Northamptonshire, where the strategic challenge to Cabinet members could be strengthened.

3.4 The Leader and Cabinet and Scrutiny members all want to see more emphasis on shaping policy, challenging, and holding to account. Therefore, Scrutiny will need earlier access to and involvement with the core policy and decision-making activities of the Cabinet. Our assessments concluded that Cabinet members and Scrutiny all recognise and agree that greater collaboration and engagement would be strongly beneficial.

#### **We recommend:**

- **A clearer focus on democratic accountability** - Scrutiny of Cabinet members should form a key part of the work plan, and Cabinet members regularly attending Scrutiny to answer questions on items falling within their portfolio responsibilities is vital. Alongside this, we also recommend inviting the Leader to attend Scrutiny on a quarterly basis to present an integrated finance and performance report and to be held to account for Council performance and progress. Perhaps adopting a 'select committee' style.
- **More emphasis on scrutiny's shaping role** - With a clear mapping for scrutiny in early policy development and key-decisions.
- **Scrutiny avoids main focus on updates and presentations.** The task of providing Scrutiny members with the essential core knowledge to be sufficiently effective in the scrutiny task could be developed as briefings or 'master classes' where the topic is complex. Lengthy learning exercising can squeeze scrutiny capacity.

#### **4. Collaborative approach to Scrutiny**

4.1 Scrutiny is the forum for an evidence-based discussion about issues affecting local people where challenge is welcomed and encouraged. Members told us that they felt that adversarial politics was not a strong feature of Scrutiny, although there are instances of where politics can turn up.

4.2 In any democratic institution, there will be differences of opinion and disagreement about policy and decisions - this should be recognised as normal and regarded as democratic exchange and policy differentiation. However, if scrutiny becomes too politically charged or adversarial this can diminish mutual trust and respect and lead to defensive and negative outcomes, rather than resulting in creative and useful exchanges. We do not believe that WNC is in that position, but it is worth vigilance and managing.

4.3 There is also mixed level of engagement from those who sit on Scrutiny, with some members showing minimal levels of involvement within committee meetings and in some cases the conversation involving just a few members. Engagement, contributions, and challenge from all members of the Scrutiny Committee is essential if individual members wish to have an influence on

shaping decisions, and if Scrutiny is to fulfil its role in being a space for cross-party inquiry. This not only requires attendance, but background preparation for meetings. Again, it is understandable that acquiring the skills and experience to become effective scrutiny practitioners will take some time. Additional training or coaching may be beneficial.

4.4 Overall our assessment in WNC is that Scrutiny is a 'safe space' for robust, constructive challenge to be made which is welcomed by the Cabinet without any negative repercussions. But this must be cherished and protected if Scrutiny is to play a key role in democracy, accountability, and improvement.

4.5 Scrutiny's relationship with Cabinet is good and this is really important. However, we heard that proactive engagement between Scrutiny and the Cabinet could be improved both before and during Scrutiny meetings. This might involve more triangulated meetings between officers, Scrutiny and Cabinet members to explore and collaborate on the key areas of delivery by Cabinet and the essential focus of Scrutiny. This may help to achieve greater alignment between Scrutiny and Cabinet in terms of efforts being focused on the same key areas of the council plan and council or community priorities.

#### **We recommend:**

- **Developing regular communication and information sharing so that Scrutiny can be a resource that can inform Cabinet decision making.** This could be achieved through holding triangulation meetings between scrutiny chairs, Cabinet members, and relevant Directors to consider future issues and the part which Scrutiny could play in testing and shaping these forward plans. It would also present an opportunity to share and discuss opportunities to involve Scrutiny as an improvement asset.

## **5. Scrutiny's focus and workplan**

5.1 We heard the phrase 'trying to boil the ocean' several times in our on-site conversations, which implied that Scrutiny is perhaps trying to take on too much and finding it hard to focus and prioritise. This is understandable in a large council, where many members are learning and understanding a completely new role. The size and complexity of the council can be daunting and the flow of policy development and decision-making constant. So, the task of positioning Scrutiny and deciding how to orientate through a vast array of potential issues that could be scrutinised is itself probably the most important task in front of Scrutiny. How does Scrutiny utilise its resources to best effect and with maximum efficiency and impact? What Scrutiny is scrutinising (work programmes and agendas), is really at the centre of scrutiny's current journey.

5.2 In a positive first year this challenge of clear prioritisation is widely recognised by members and officers. That it needs to focus on strategic issues, where it can have influence, and that scrutiny needs to input into these areas of key decisions and policy development at an earlier stage. Scrutiny needs to be baked-in the policy development and key-decision process.

5.3 Scrutiny work programmes are therefore not yet well developed at this stage and remain a regular discussion point at committee meetings and off-line. There is a real desire to nail this issue and get Scrutiny into a place where it can comfortably and confidently prioritise and focus on key issues.

5.4 Scrutiny could benefit from a more simple approach to prioritisation of topics. There is strong evidence that when Scrutiny focuses on fewer things of greater importance, more is achieved. The 'less is more' maxim can readily be found in quality scrutiny.

5.5 Work planning is key to ensuring Scrutiny stays focussed on strategic issues where it can make an impact, whilst making the best use of time and resources. From our conversations we noted that many members felt that they have little opportunity to influence work plans, and the way that issues are prioritised. West Northamptonshire's Scrutiny function may need to consider how it organises its work plans in a way that is led by all members of the committees to have ownership over committee activity.

5.6 It is important to emphasise that work planning is an ongoing process and not just a one-off event. Whilst a workshop will help identify priorities and provide structure to work for the months ahead, there will need to be flexibility in the workplan and time set aside to regularly revisit the relevance of topics in meetings as the local context changes.

5.7 Scrutiny currently tends to be more retrospective, rather than forward looking. It is important that Scrutiny carries out reviews and assesses performance, but there is an important missed opportunity for it to add value to council policy and strategy through greater emphasis on the big challenges and opportunities ahead for the council. The future is where the opportunities, challenges, risks and threats are present, and scrutiny has a vital role to play in asking about the Cabinet's plans and preparedness for what is ahead. Evidence from elsewhere clearly indicates that scrutiny's absence in this space can be a significant factor in subsequent failures.

5.8 The Council's corporate plan should direct Scrutiny's focus. However currently scrutiny business does not always seem to be aligned with either the Council's overall priorities, the 3-month rolling programme of Cabinet decisions or with pressing corporate performance or risks and challenges - when topics are reviewed the focus can lean towards operational rather than strategic or outcome focused.

5.9 There is also an opportunity to hold the Leader to account for the delivery of the Council plan and integrated performance and financial position of the council. We believe this would also be welcomed by the Leader as part of his duties to the council.

5.10 Task and finish style working was cited as some of the most successful examples of scrutiny by members, where it has selected key issues to scrutinise and to explore. These could be further improved if Scrutiny focused on making compelling, quality recommendations based on its activity.

5.11 We found that budget scrutiny was '11<sup>th</sup> hour' and light-touch to be useful or valid. It is an area that councils often ponder – when and how should Scrutiny be involved in the budget process given that the final budget draft does not normally emerge until January and that the cycle itself is often based on assumptions. Typically, as in West Northamptonshire, Scrutiny tends to be invited to scrutinise a draft budget which has in effect been put to bed.

5.12 As finance and budgets are increasingly an area of serious corporate risk. It is crucial that Scrutiny steps up and play a central role in the process of budget scrutiny from a much earlier start. This means that it may need to refocus its attention on the future challenges and operating environment of the council and to scrutinising the pressures, risks assumptions and budget gaps at a much earlier stage. It might also mean that Scrutiny will need more support, officer time, development, and information to equip it for this task. The vital task of scrutiny of the forward budget and medium-term financial plans is not yet sufficiently well developed and organised. There is a robust audit committee which looks at financial reporting as part of its remit, but the task of exploring the budget as an early and in-depth process needs more attention. This would seem to fit within the scope of the Corporate OSC.

We would recommend following the guidance in <sup>1</sup> CfGS & CIPFA (2020) 'Financial Scrutiny, practice guide' - [https://www.cfgs.org.uk/wp-content/uploads/Financial-Scrutiny-practice-guide\\_proof3.pdf](https://www.cfgs.org.uk/wp-content/uploads/Financial-Scrutiny-practice-guide_proof3.pdf)

#### **We recommend:**

- **Work planning to be a committee-based responsibility** – review the need for a Co-ordinating committee.
- **Review the process for developing work plans for each Scrutiny committee** - Engaging members, officers, partners, and the public to prioritise the topics for review.
- **Review of the current approach to financial Scrutiny, MTFS/ budget scrutiny.** We have produced guidance on financial scrutiny with CIPFA<sup>1</sup>, setting out scrutiny activity to complement Councils' annual financial cycle. The guide suggests ways to move budget and finance scrutiny beyond set-piece scrutiny 'events' and quarterly financial performance scorecards being reported to committee.

## **6. Scrutiny committee structure and scheduling**

6.1 West Northamptonshire has scrutiny committee structure which includes an overarching Co-ordination Overview and Scrutiny Group (COSG). Its membership comprises chairs and vice chairs of the three other overview and Scrutiny committees. Apart from a co-ordinating role to approve the work programmes of the other OSCs it is difficult to identify any other purpose. Its apparent core role of ensuring a consistent 'golden thread' across all scrutiny committee appears to be a prolonged process.

6.2 We are therefore uncertain about the value of the COSG, since individual committees could readily identify and agree their work programmes and ensure that they are prioritising the right issues. This could be something to consider further.

6.3 The three main Scrutiny committees follow a thematic approach, focusing on Corporate, People and Place. However, it is difficult to understand in more detail, the terms of reference for these committees, other than their general title which provides a clue. Both the constitution and the council website and mod.gov would not be easy for the public to understand the role and purpose of these committees, or to navigate where specific issues would be scrutinised. Making their ToRs clear on the web pages and in the constitution would be helpful.

6.6 We would also suggest that scrutiny does not readily benefit from too much detail or lengthy reports. Detail can become counter-productive in helping Scrutiny to stay strategic and we would suggest that more consideration is given to the way committee meetings are constructed to ensure short agendas and information provided that is designed to serve the Scrutiny objective. To make this work will take some understanding and collaboration between Scrutiny and corporate officers.

6.7 We found that without some refocusing Scrutiny could continue to drift towards a performance management role, rather than being forward looking, focusing on important areas of challenge and opportunity which is largely the focus of Cabinet, and we suggest Scrutiny also.

6.8 We were told about several successful examples of task and finish group work. Scrutiny could benefit from further use of task and finish groups or 'spotlight events' where single issues of major

importance to the Council or community can be considered and explored in greater detail. This can add significant impact and quality to scrutiny activity.

6.9 But all T&F projects need to be clearly scoped, resourced, time-limited and with clear objectives to be useful and effective. The current structure does provide for up to three T&F projects per committee. We suggest that this would seem a lot in terms of support and resource capacity.

6.10 Task and finish style working is often where Scrutiny can do its best work by focussing on a single issue and drilling down to provide clear analysis to inform policy making.

6.11 We would like to raise the potential for the People OSC to become either overwhelmed or its focus unintentionally misplaced due to the size, complexity level of risk and budget challenges this committee is expected to scrutinise. The area of ASC, Children and Families, Health, PH and Education are in themselves massive areas of council responsibility. Obviously the 'Trust' model does mean that scrutiny may need to work differently, but the responsibility is still present. We would therefore raise concerns that a single committee meeting 6 times per year is potentially only able to provide high-level or limited level of scrutiny. Given that the People area of the council's responsibilities is the high spend, high risk space, our observations were that it is currently struggling with the size of the task and may tend to drift towards the 'interesting' rather than the 'critical'. We also found that health scrutiny by this committee was almost absent.

#### **We recommend:**

- **A review of the Scrutiny committee structure** – with a view to assessing how the areas of ASC, Children's and Health can have sufficient scrutiny capacity.
- **Consider extending the use of task and finish group work – or alternative scrutiny arrangements** – To ensure the most effective use of time and resources and to deliver maximum impact.

### **7. Scrutiny's output and impact**

7.1 Overall, the general view is that Scrutiny does a reasonable job based on its short period of operation. However, when asked more specifically about Scrutiny's output and impact, most members and officers found it difficult to point to consistent work that has made a real difference, or tracking recommendations that have been accepted and implemented.

7.2 Some substantive items were considered by scrutiny committees, but the conclusion of these discussions did not always have an articulated outcome or recommendation. Otherwise, scrutiny business could be seen as solely for the purpose of obtaining information or to obtain updates. The practice of reports being presented 'to note', or inviting speakers only to share information, should be avoided.

7.3 Committee agendas can become overburdened and even cluttered with too many items which are arguably not particularly something that scrutiny can add much value or are for information. Scrutiny should not be viewed as an approval process.

7.4 Scrutiny must be clear in its purpose to add value to the issue or subject being considered. If Scrutiny cannot add value, then arguably the subject should not reach the agenda. As a matter of general principle, items for information or updates could be shared with members as briefing notes outside of committee, leaving more capacity for constructive activity.



7.5 When members of the Cabinet and senior officers are asked to attend, scrutiny committees would benefit from being clear about what the aims and objectives are of the session (including clarity over the content of any reports and presentations). Through our recommendation of establishing pre-meetings in the next section, this can also improve scrutiny's impact by allowing the space to create a shared understanding and trying to discuss beforehand what recommendations the committee might make on the day, and how the Cabinet might respond to them.

7.6 In carrying out 'external' Scrutiny work, it is important to ensure that Scrutiny has a clear focus on objectives and is able to influence outcomes concerning the topic discussed.

#### **We recommend:**

- **Changing the way that information is provided to Scrutiny members for oversight -** Reduce the number of items coming to Scrutiny solely for information, and consider how information on the following matters could be shared with councillors on a monthly basis outside of committee.
- **Review how reports and information is supplied to scrutiny –** so that it supports the scrutiny objective, is not excessively detailed and is understandable by members.
- **Reviewing how the recommendations are made and how impact is measured –** This could include putting a 'recommendations monitoring report' at the beginning of agendas to orientate Scrutiny towards outcomes-focused meetings, alongside an emphasis on finding strong recommendations from questioning, to present to the Cabinet as improvement or challenge proposals.

### **8. Chairing, Member development and meeting preparation**

8.1 Scrutiny's success is dependent on the right members, with the right capabilities and attributes, leading and managing the Scrutiny function. Scrutiny Chairs have a vital task in leading the committee, ensuring that it builds and maintains strong relationships with the Cabinet, officers and relevant external partners.

8.2 Chairs can also lead on setting the working culture of Scrutiny, helping it to set and uphold high standards of behaviour, engagement, and debate, ensuring good cross-party working. The lack of opposition members involved in Scrutiny chairing roles was raised as an issue in our evidence gathering. Although there is no single 'right' approach to selecting chairs - the emphasis ought to be on selecting chairs based on skill set and capability and providing ongoing training and support.

8.3 Scrutiny provides an excellent opportunity to support members in getting an in-depth understanding of issues across the Council's services. To get the most out of Scrutiny, Members need a clear sense of what is required of them as committee members and the work involved which allows good scrutiny to happen.

8.4 Many members were unsure of how to achieve impactful scrutiny, some were also open about a lack of understanding about the specific areas they are asked to scrutinise. Members felt that more briefings to provide them with core knowledge, especially on more complex or technical issues would be welcome and equip them better as scrutineers.

8.5 We heard that the quality of questioning in scrutiny varies; in some instances, it is forensic and probing, but it is often more general and exploratory and sometimes superficial.

8.6 West Northamptonshire is clearly committed to member development, and training was raised by some members who were clearly aware of the gaps in their knowledge and understanding.

8.7 From our observations of committee meetings there is little evidence of co-ordinated questions or members acting as a team with clear lines of inquiry. Pre-meetings could allow members to give voice to their objectives for meetings and allow mutual motivations to be understood and questioning strategies to be agreed. It is likely that differences will remain and will, in some cases, be significant, but the airing of these differences will make it easier for members to understand where consensus is possible.

**We recommend:**

- **More skills development support is offered for the key roles of Chair and Vice-Chair** – To provide them with the confidence they need in leading the scrutiny function.
- **Consider further Scrutiny development and training for all committee members** - To develop a common understanding of what “good” Scrutiny practice looks like.
- **Providing additional briefing or expert involvement as required** - To assist Scrutiny members in becoming more capable to develop questioning strategies that will deliver high-impact and value-adding Scrutiny.
- **Cross-party pre-meetings for Scrutiny committees should be established** - With a specific focus on identifying priorities and members working together to develop lines of enquiry so that recommendations are more likely.

## **9. Public engagement**

9.1 Scrutiny should explore and experiment with ways to allow greater access, openness and involvement with the public. This could include Scrutiny going on more site visits in the community, inviting the public to offer ideas for work plans, and greater use of social media channels for resident input and communicating the progress and impact of scrutiny work.

9.2 The council’s website would benefit from easier navigation to information about committees and democracy, including scrutiny. It requires a level of determination to get through to the relevant webpages. We would also recommend exploring opportunities for scrutiny to raise its public profile, perhaps through social media or other communication channels.

## Thank you and acknowledgements

We would like to thank the Chairs, members of the Scrutiny Committees, Leader and Cabinet members, Leaders of Political Groups and officers who took part in interviews for their time, insight and open views.

Yours sincerely,

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