

**WIRRAL COUNCIL**

**SCRUTINY HANDBOOK AND TOOLKIT**



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**The main aims of this manual are to:**

Explain the scrutiny process and provide a framework within which it should be undertaken

Provide information on the structure, remits and protocols of the Overview and Scrutiny Committees at Wirral Council

Offer guidance to Members, Officers and other individuals taking part in the scrutiny process

**Where can I get further advice?**

Lynn Lloyd, Scrutiny Support Officer (Labour Group) – Tel: 0151 691 8541

Alan Veitch, Scrutiny Support Officer (Liberal Democrat Group) – Tel: 0151 691 8654

Alison Mountney, Scrutiny Support Officer (Conservative Group) - Tel: 0151 691 8109

Andrea Grant, Democratic Services Manager - Tel: 0151 691 8559

Email: [andreagrants@wirral.gov.uk](mailto:andreagrants@wirral.gov.uk).

You can also contact an officer in the committee services team:

Mike Archbold, Principal Committee Officer – Tel: 0151 691 8471

Email: [mikearchbold@wirral.gov.uk](mailto:mikearchbold@wirral.gov.uk)

Brian Ellis, Senior Committee Officer – 0151 691 8491

Email: [brianellis@wirral.gov.uk](mailto:brianellis@wirral.gov.uk)

Mark Delap, Senior Committee Officer – 0151 691 8500

Email: [markdelap@wirral.gov.uk](mailto:markdelap@wirral.gov.uk)

Andrew Mossop, Senior Committee Officer – 0151 691 8501

Email: [andrewmossop@wirral.gov.uk](mailto:andrewmossop@wirral.gov.uk)

They will be able to help you directly or advise you on a suitable source.

## **Introduction**

A significant drive behind government's modernisation programme is to make local councillors more accountable and answerable for the decisions they make on behalf of the local community. In addition, the aim is to make the democratic process more 'transparent' and to 'engage' local people as much as possible. Provisions were made in the Local Government Act 2000 that required local authorities to set up new political management arrangements. (The Health and Social Care Act 2001 extended these arrangements by giving power to local authorities with Social Service responsibilities to undertake health scrutiny.) The scrutiny co-ordination function within Wirral Council is described in more detail in this guide.

This guide and toolkit has been produced by Democratic Services with reference to best practice. The resulting general guidance and refined proformas have been designed to improve the process.

### **A Practical Guide to Scrutiny - Clear guidance, practical advice**

This toolkit aims to provide clear guidance on the subject of scrutiny and to give practical advice in managing a scrutiny review. It is not intended to be over prescriptive but to provide a practical framework for everyone involved in the scrutiny process. It will also be used to monitor the quality of our scrutiny process.

These guidance notes will be constantly under review and updated in the light of experience.

## **What is Scrutiny?**

### **What do we mean by scrutiny?**

Scrutiny is a process which reviews decisions, policies and performance that affect the borough. It is designed to complement and act as a 'critical friend' when working with the Executive and services via a review process. The scrutiny process not only provides a means of reviewing the Council's own achievements against its planned targets, but also enables reviews to be carried out in relation to services provided by other public organisations on issues causing public concern. Scrutiny does all of this inclusive of all stakeholders, including local people.

This can be done in many ways, including; providing the opportunity for Members to examine various functions of the Council, to ask questions on how decisions have been made, to consider whether service improvements can be put in place and to make recommendations to this effect. It also provides the opportunity for Councillors to champion the issues of local concern to residents and participate in the development of new policy.

### **How can scrutiny influence Council policy?**

Scrutiny is able to influence Council policy in two ways – first by reviewing the impact of policy decisions already made and helping to bring them 'up to date' and second, by influencing the development of new policy. The scrutiny function might carry out the policy development role at the invitation of the Cabinet.

### **The Councillor's Role**

Councillors serving on Overview and Scrutiny Committees (or Panels of that Committee) will be responsible for undertaking a number of different tasks. First, they will have to prepare a project plan for the review. As part of this, the Committee will have to agree who will be invited to provide 'evidence' in relation to this topic, what questions will have to be asked, who and what resources are required to complete the review and the timescales involved. The Overview and Scrutiny Committee will, having completed the review, consider its findings and report recommendations that will be consulted upon by key contributors for factual accuracy and the Committee in terms of lessons learned from the process. It may, on occasion, be appropriate for Overview and Scrutiny Committees to make recommendations to organisations other than the Council, for example, NHS or other agencies.

Cabinet Members also have an important role in providing information and guidance and responding fully to any recommendations resulting from scrutiny reviews.

It is also the Councillor's responsibility to present the final report to Cabinet for endorsement, and to ensure that copies of the report are made available for public viewing.

### **The Officer's Role**

Proactive support and engagement from all officers is required to maximise the value added from delivering the scrutiny review programme. Officers are required to work collaboratively to provide information to the Overview and Scrutiny Committee and answer Member's questions. The information should, as far as possible, be confined to factual statements and explanations relating to policies and decisions. Officers should be provided with the terms of reference for the review, a copy of the project plan and likely questions to be asked/topics to be explored.

### **Public involvement**

Scrutiny is an ideal mechanism for liaising and working with the public. Members of the public are welcome to attend scrutiny meetings to hear information being received and discussed, and should be given the opportunity to contribute wherever possible. Members of the public might themselves be invited to provide information on a topic where they have a particular interest.

### **Scrutiny – a collaborative process**

The Council's scrutiny arrangements have been designed to work collaboratively whilst allowing independence to help deliver continuous improvement – reviewing existing policies, practices and working with/on behalf of the Cabinet on policy development.

Once it has formed its recommendations on proposals for development, an Overview and Scrutiny Committee will prepare a formal report and submit it for consideration by the Cabinet. The Council may consider the report of the Overview and Scrutiny Committee at its next appropriate meeting.

## **Wirral Council's Scrutiny Arrangements**

### **Powers of overview and scrutiny**

The main legislative provisions of the Local Government Act 2000 in relation to scrutiny enable Committees and their Members to:

#### **I Review and/or scrutinise**

- Decisions made by Cabinet and Council Officers in relation to key decisions
- Actions carried out within the remit of the Council
- The performance of the Council in relation to targets and policy objectives

I Have the right to call in and examine ( in accordance with the agreed timescale), decisions made by Cabinet, before the decision is implemented.

Powers for health overview and scrutiny also derive from the Health and Social Care Act 2001 (see p14)

### **Policy Review**

Involves the undertaking of investigative, deliberative reviews of policy and can take a number of forms. For example, a review might examine how well a policy has been implemented and whether the desired outcomes have been met; it also often involves the conducting of wide-ranging reviews of policy from large, crosscutting issues, those that concentrate on the bigger picture, to smaller, detailed examinations of specific issues. A number of approaches can be taken to carry out a policy review, from following a parliamentary Overview and Scrutiny committee approach, with a focus on oral hearings and written evidence, to more creative approaches, including public meetings and mystery shopping.

### **Policy Development**

The overview and scrutiny process can provide non-executive Councillors with the valuable opportunity to undertake work in policy development. Policy development differs from policy review. It provides a role for Overview and Scrutiny committees to become involved with the policy considerations of Council services, and undertake policy analysis on behalf of, or in conjunction with, services considering all available options of possible Council Policy.

### **Monitoring of Performance Management**

Performance Management is used to improve team performance, based on the principles of measurement, appraisal, action and monitoring. However, it can be manifest in very different forms depending on whether the aim is to further

improve good performers, or deal with underperformance. Scrutiny can help in terms of developing a performance oriented culture and identifying areas where concentration of change management efforts are needed.

### **External Scrutiny**

The work of scrutiny does not lie solely within the Council, and under part 1 of the Local Government Act 2000, councils are given the power to do “anything they consider likely to promote or improve the economic, social or environmental wellbeing of the area”.

Increasingly, governance arrangements mean that local authorities work in partnership with other organisations in the public, private and voluntary sectors to target resources on local priorities. Scrutiny provides an opportunity to investigate the work of outside bodies, and how they impact on the community the Council serves. It also provides Councillors with many opportunities to enhance their community leadership role.

### **Engaging the public and other partner organisations**

An important role for the Councillor is to encourage community participation in decision-making, and scrutiny is an ideal vehicle for the involvement of individuals and organisations.

The public and outside organisations (such as voluntary, public and commercial organisations) are able to influence the scrutiny process at a variety of points in any scrutiny review. For example, Committee Members, when selecting a topic for consideration, will take into consideration public views expressed through:

- I Voluntary, community and faith groups
- I Local Strategic Partnership (LSP)
- I Local Media
- I Ward Surgeries
- I Members’ Postbags
- I Area Forums

The views of members of the public, external organisations and other such stakeholders are also sought when a Committee is collecting evidence for a scrutiny review. A variety of methods can be used depending on the type of evidence needed and who is providing it. Options can include:

- I Surveys and questionnaires (postal, face-to-face, e-‘voting’)
- I Public meetings
- I focus groups
- I road shows
- I conferences and seminars

## I workshops

As stated above, the method of evidence collection is also determined by who it is being collected from. Some of the larger organisations with many professional staff might be happy to attend Committee meetings to provide oral evidence. Smaller groups or individuals might find this off-putting, and prefer to provide evidence in other ways. This gives Members the opportunity to identify other ways of collecting evidence, for example, taking meetings outside the Town Hall (schools, community centres), collecting evidence in smaller groups, holding public meetings.

It is also important that Overview and Scrutiny committees consider how to reach a wide range of communities, including elderly people, faith groups, disabled people, lesbians and gay men, ethnic minority groups and people whose first language is not English.

In addition, the Council Constitution makes provision for Overview and Scrutiny Committees to be entitled to recommend to Council the appointment of a number of people as non-voting co-optees to the Committee or any sub-committees. This enables non-Council members to be included as members of scrutiny panels.

## **Engaging the Media**

The scrutiny process provides an ideal opportunity for Members to highlight the work they are doing through the local (and national) media. Local newspapers, radio and television, are all able to inform the public of ongoing work, invite opinion and involvement and assist Overview and Scrutiny committees undertake consultation.

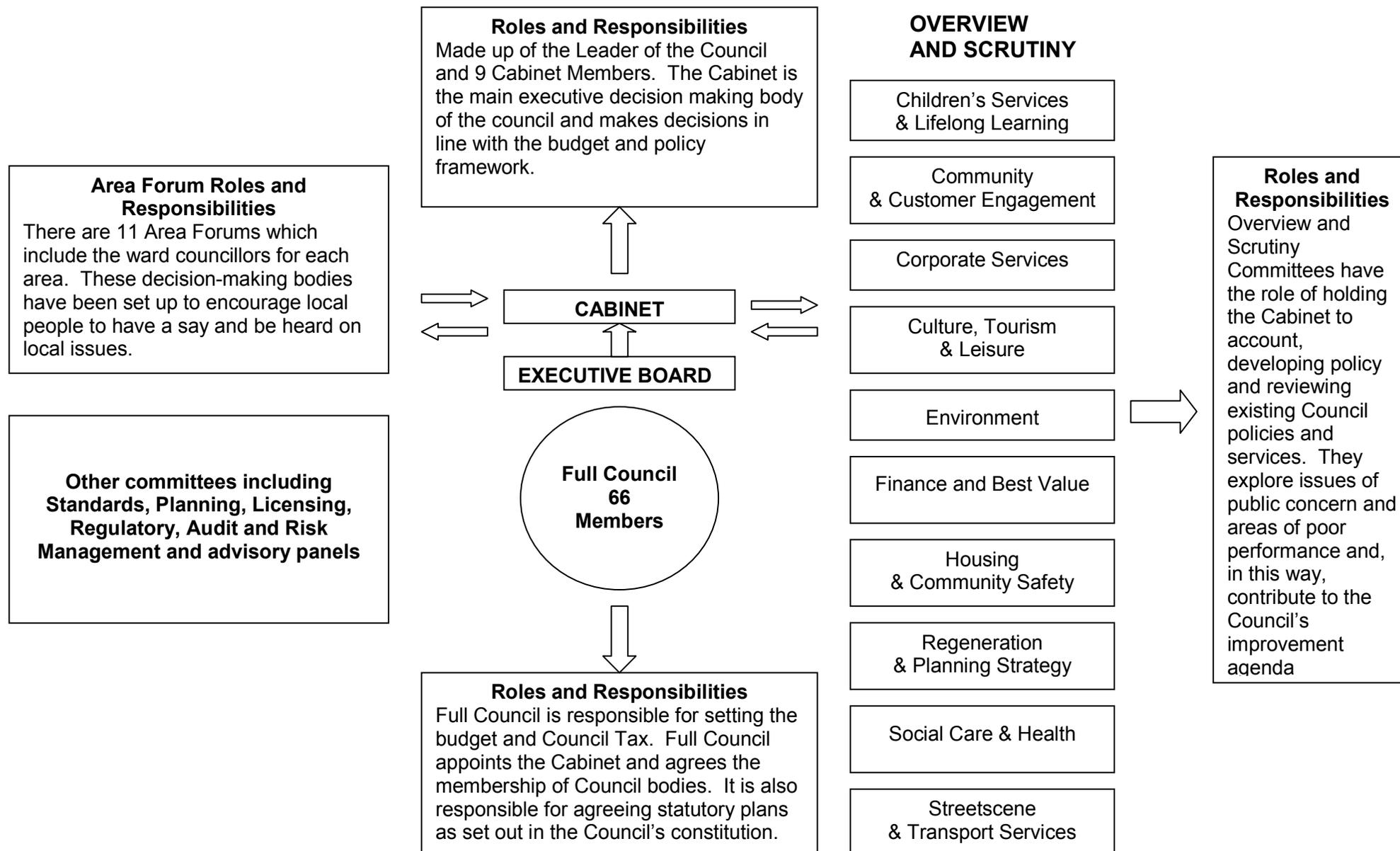
## **Conducting Health Scrutiny**

Local Authorities now have the power to scrutinise health issues and services, as introduced in the Health & Social Care Act 2012. The Social Care, Health and Inclusion Overview and Scrutiny Committee may review any matter relating to the planning, provision and operation of health services. The Committee does not manage the performance of the NHS nor will they undertake any inspections. The Committee will however, monitor health services as they affect local people, making use of local knowledge.

## **Ensuring corporate priorities are met**

The aim of overview and scrutiny committees is to ensure that Council priorities reflect community interests accurately and address national and regional concerns as appropriate.

## COMMITTEE STRUCTURE



## **The Committee Structure**

Structurally, scrutiny in Wirral takes the following form:

- The Scrutiny Chairs Group
- 10 Overview and Scrutiny Committees, the functions of which are described below (see the document 'Overview and Scrutiny Committee Terms of Reference' for the main tasks).

### **Scrutiny Chairs Group**

The Scrutiny Chairs Group will:

- Discuss items of business which are of relevance to all Overview and Scrutiny Committees.
- Where a matter for scrutiny consideration falls within the remit of more than one OSC, the Scrutiny Chairs Group can determine which OSC will be responsible.

### **Overview and Scrutiny Committees**

- Children's Services and Lifelong Learning
- Community and Customer Engagement
- Corporate Services
- Culture, Tourism and Leisure
- Environment
- Finance and Best Value
- Housing and Community Safety
- Regeneration and Planning Strategy
- Social Care, Health and Inclusion
- Streetscene and Transport Services

The 10 Overview and Scrutiny committees in Wirral are responsible for undertaking the majority of policy review and development work, and whilst each of the Overview and Scrutiny committees has specific functions, they do share a general role, which is to:

- Review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Councils functions
- In accordance with the terms of the Constitution, make reports and/or recommendations to Cabinet or full Council in connection with the discharge of any functions
- Consider any matter affecting the area or its inhabitants
- Overview and Scrutiny Committees will undertake much of this work through the production of **scrutiny reviews** (see p.23).

### **Membership of Committees**

The Council is responsible for deciding which Committees are to be created and for appointing the Councillors (including the Chairs) to each Committee. Each

Overview and Scrutiny Committee has seven Members, including a Chair and Vice-Chair, who are not members of the Cabinet and who are not all members of the same political party, but are proportionally politically representative of the Council as a whole.

For the Children's Services and Lifelong Learning Overview and Scrutiny Committee, membership also includes two Parent Governor representatives and two Diocesan representatives. For the Housing and Community Safety Overview and Scrutiny Committee, membership includes two tenant representatives.

A 'quorum' (the minimum number of Committee members who can meet and take decisions) is four elected members (as determined by Standing Order 29 of the Council Constitution).

### **What is the status of the Overview and Scrutiny Committees?**

The Committees function in an advisory capacity, reporting to Cabinet on their findings. They do not have any delegated powers of authority. Overview and Scrutiny Committee meetings are held in public unless there is any information considered to be of a confidential or exempt nature.

### **What are the roles of Committee members and how are they supported?**

The document 'Scrutiny Roles and Responsibilities' illustrates the roles and responsibilities of members and the support provided by officers.

'Witnesses' are those invited to attend a panel to provide data and information, etc. to help in the process of scrutinising the issue under scrutiny. Witnesses may be officers of the Council or its members or relevant people from outside the council such as partner organisations or 'experts' in a particular field.

## **Health Scrutiny and the Social Care, Health and Inclusion Overview and Scrutiny Committee**

### **Role of the Committee**

The Local Authority's power to scrutinise NHS provision offers a real opportunity for Members to address issues of health inequalities. It will add value to the general power of local authorities already to take action to promote the economic, social and environmental well-being of their areas. It will also provide an opportunity for Members to review the contributions of all sectors to health improvement amongst disadvantaged groups and communities. Relevant questions might include:

- Local profiles of inequality and deprivation
- Director of Public Health annual report and equity audits
- Community needs (identified by the NHS, local government and others)
- Priorities in the Community Strategy, health plans and Neighbourhood Renewal Strategy
- Local public service agreement targets

The specific health scrutiny provisions introduced by the Health and Social Care Act 2012 include:

- Amendments to the Local Government Act 2000 to confer on local authorities with social services responsibilities the role of reviewing and scrutinising health service matters and making reports and recommendations to NHS bodies
- Inclusion within the Health Scrutiny function social care provided or commissioned by NHS bodies exercising local authority functions
- Providing Health Scrutiny Committees with powers to delegate Health Scrutiny to other authorities, including District Councils; to co-opt from other authorities (including District Councils) and to carry out joint scrutiny with other social services authorities
- Placing duties on Health Trusts to consult Health Scrutiny Committees on substantial developments and variations to services
- Requiring officers of Health Trusts to attend Scrutiny Committees when required
- Requiring NHS bodies to provide Health Scrutiny Committees with information about the planning, provision and operation of health services
- Requiring NHS bodies to respond (normally within 8 weeks) to reports and recommendations from Scrutiny Committees (it does not require them to implement such recommendations).

## **Joint Health Scrutiny with other Authorities**

In March 2004, in response to the implications of the Local Government Act in respect of health scrutiny, the Cheshire County Council/Wirral Council Joint Health Scrutiny Committee was established. Its terms of reference are:

- (i) to undertake the Scrutiny of, and report on, any matter relating to the planning, provision and operation of services provided by the Cheshire and Wirral Partnership Trust within the areas of Cheshire County Council and Wirral Council
- (ii) to consider and comment upon any proposals submitted by the Partnership Trust for substantial development or variation in the provision of its service
- (iii) to consider any matters referred to the Joint Committee by Cheshire County Council Health and Adult Social Care Scrutiny Select Committee and by Wirral Council's Social Care, Health and Inclusion Overview and Scrutiny Committee
- (iv) to consider any matters referred to the Joint Committee by the appropriate Patient consultative Forum.

The membership consists of six Councillors from each authority and is representative of the political balance of each authority. Two co-opted members from the Cheshire and Wirral Partnership Trust Patient and Public Involvement Forum also sit on the Committee.

### **Legal framework and guidance**

In summary, the legal framework for joint health scrutiny is:

Section 7 of the Health and Social Care Act 2001 (HSCA) amended the Local Government Act 2000 (LGA) by inserting Section 21(2)(f) that requires social services authorities to appoint an OSC that has the power to review and scrutinise matters relating to the health service in the authority's area. Section 21 of the LGA and Sections 7 and 8 of the HSCA build upon the power of councils to promote community well-being and give social services authorities general powers to review and scrutinise issues around the planning and delivery of health services in their areas.

The Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002 (the 2002 Regulations) require NHS bodies (apart from NHS foundation trusts) considering proposals for substantial developments or variations in health services in the area of a local authority to consult the health OSC of that authority about the proposals. NHS foundation trusts are required to consult the health OSC of an authority where the trust proposes to apply to the Independent Regulator to vary the terms of its authorisation where that variation would result in a substantial variation of the provision of protected goods and services in the authority's area. The Secretary of State for Health has

issued Directions about the situations when health OSCs must form a joint health OSC to deal with the consultation.

The 2002 Regulations also provide that a health OSC can review and scrutinise any matter relating to the planning and delivery of health services in its area. To assist health OSCs to carry out this function, the 2002 Regulations stipulate that NHS bodies have to provide reasonable information to health OSCs to allow them to carry out their work and to send officers to attend meetings and answer questions.

Guidance issued by the Department of Health in July 2003 indicates that when health OSCs have formed a joint health OSC to deal with a consultation, the duty on NHS bodies under the HSCA to provide information or attend meetings relates only to the joint health OSC that has been established. NHS bodies have no obligation to provide information to, or attend meetings of, individual health OSCs participating in the joint health OSC or those health OSCs that chose not to regard the proposals as substantial.

### **Membership and co-option**

Cabinet members are excluded from serving on statutory or discretionary joint health OSCs. Statutory and discretionary joint health OSCs may only co-opt councillors of OSCs from district councils as voting members. They may co-opt other people as non-voting members.

### **Political proportionality**

Representatives on joint health OSCs must be politically proportional to the membership of their local authority unless all authorities agree to waive the requirement.

### **Consultation**

The only reason for establishing a statutory joint health OSC is to respond to a consultation from an NHS body about a “substantial” variation or development under Regulations 4 and 4A of the 2002 Regulations. Section 11 of the HSCA requires all NHS bodies to involve and consult patients and the public in the planning and development of services at an early stage. NHS bodies should share ideas and discuss proposals with health OSCs, patient groups and the public at the formative stage. Taking account of the interests and concerns of stakeholders at the outset may facilitate a smoother and better-informed process at the formal consultation stage. Section 11 work may involve the NHS liaising with a discretionary joint health OSC composed of the health OSCs that may ultimately form a statutory joint health OSC to respond to a consultation.

An obvious line of inquiry for joint health OSCs dealing with a consultation under Regulations 4 and 4A of the 2002 Regulations is to establish the extent to which patients and the public were able to influence the proposals at the Section 11 stage. Another aspect that they may consider taking into account is guidance on service reconfiguration called “Keeping the NHS Local”.

## **Skills for Scrutiny**

### **Scrutiny in Context**

In comparison to the 'old' committee system, scrutiny activities require that Members and Officers acquire new skills. The Executive/O&S framework means that there is now a clear responsibility for Members to set the agenda.

Members are now required to assess and probe, question and 'dig beneath the surface'. There will therefore be the expectation that Members will be skilled in questioning and listening, in analysing evidence and data and be conversant with Performance Indicators, comparative data and financial processes. Members may be guided by Officers who will provide managerial input and project management support.

### **Openness and inclusivity**

As part of the modernisation process, it is expected that the scrutiny process will be open and inclusive – that is, working for and with community agencies and partners to achieve common goals. Members should no longer be expected to receive information in neat packages, but should be prepared to receive it 'raw' from users in the community or from questionnaires, or other forms of consultation. This requires that Members' analytical and interpretative skills should be well developed.

### **What skills are required for a scrutiny 'toolkit?'**

Below are some of the skills necessary to carry out effective overview and scrutiny:

- Chairing Skills – an obvious key skill for those chairing O&S committees
- Project Planning Skills – the ability to plan events to reach the desired conclusion taking into account resources and timescales.
- Team Working – getting members of O&S committees working effectively together towards a common goal
- Questioning Skills – understanding different types of questions and when each can be used most effectively e.g. the ability to probe for information.
- Listening Skills – genuinely listening to others whose views and opinions may differ from your own.
- Analytical Skills – the ability to review and interpret data and reach conclusions.
- Report Writing Skills - the ability to write clear and concise account with recommendations for action.

For further details on the required skills for scrutiny, please see the document 'Briefing Note - Chairs and Vice Chairs'.

## **Development Support Available to Members**

Officers are happy to discuss Members' professional development needs and further training will be provided to enhance their role. For further information relating to personal and professional development, please contact your Group's Training representative or Matthew Hebden, OD Manager Email: [matthewhebden@wirral.gov.uk](mailto:matthewhebden@wirral.gov.uk) or Andrea Grant, Democratic Services Manager Email: [andreagrants@wirral.gov.uk](mailto:andreagrants@wirral.gov.uk).

## **THE TOOLKIT**

### **How to Develop a Work Programme**

There are many activities that O&S can undertake and it is vital to priorities and allocate resources to promote an effective work programme.

### **Sources of Topics for Review**

Topics for review may arise from several sources – suggestions could be made by residents, requests for agenda items can be made by members, an issue may be highlighted during consideration of a call-in item, or concerns could be raised when considering performance of council services. It is important to have a flexible work programme that can respond to this variety of sources.

### **Selection of Topics**

Regardless of its source, a topic chosen for review must have the potential to make a difference and will therefore be carefully chosen with reference to objective criteria. The review must also be conducted methodically and efficiently.

When selecting a topic, a set of criteria using the acronym 'PICK' can be used to assess the key elements of the topic under the following headings:-

**Public Interest** – Members representative roles are an essential feature of O&S. Being the eyes and ears of the public, they can ensure that policies, practices and services delivered to citizens, by both the Council and other external organisations, are meeting the local needs and to an acceptable standard. Consultations and other surveys are also extremely important and can provide a wealth of information.

**Impact** – not all issues of concern will have an equal impact on the wellbeing of the community, which should be considered when selecting a topic for review.

**Council Performance** – Scrutiny is about improving performance and ensuring that the community is well served. Members will need good quality and timely information to identify how the Council and other external organisations' performance can improve.

**Keeping in context** – To avoid duplication or wasted effort, Members should take into account what else is happening in the areas being considered. Is the service about to be inspected by an external body? Are there any major legislative or policy initiatives already resulting in change about to impact on the service? If these circumstances exist Members may decide to link up with other processes, defer a decision until the outcomes are known or conclude that the issue will be addressed as part of other work.

By scoring the topics under consideration using these criteria, the Committee can prioritise an effective work programme for the year that ensures relevance and

the highest potential to add value to the services that the council provides. If a topic falls into one of the first three categories and is not being considered elsewhere, then it becomes a legitimate one for review:

•	<b>Public Interest</b>	√
•	<b>Impact</b>	√
•	<b>Council Performance</b>	√
•	<b>Keeping in Context</b>	√

It is important to adopt a structured approach when considering issues for the scrutiny work programme.

Points to consider when developing the scrutiny work programme:

- Consider the rationale for each issue for review – check link and value added to corporate priorities
- Use of O&S Chairs group to share ideas
- Identify issues for potential policy review and development (e.g. by taking soundings from your ward/party/partners, etc)
- Refer to the Forward Plan
- Consider the resources that would be required
- Refer to budget, audit and inspection reports
- Where appropriate, involve partners, stakeholders and the public
- Allow flexibility to enable topics to be included as they arise
- Priority for topic/issue within overall scrutiny work programme

Summary of the roles of officers and members at this stage

<b>Officers</b>	<b>Members</b>
Will provide members with information that can be used to identify suitable scrutiny topics	Identify and agree work programme topics
Publicise the annual work programme	Put forward key topics to be included in the annual work programme

## **Business Case Framework**

What is the framework for?

It helps:

- Identify positive contributions to Wirral's corporate priorities and to demonstrate good practice
- Identify possible areas of conflict between key priorities
- Address overlaps and gaps
- Maximise benefits

It should add value by:

- Allowing transparency during the scrutiny process
- Stimulate dialogue and debate
- Generating new ideas
- Encouraging joined up thinking
- Increasing awareness of issues

The initial case for inclusion in the scrutiny work programme should be made on the business case framework proforma outlined below.

<b>What is your proposal for scrutiny review?</b>
<b>What are the issues/concerns?</b>
<b>Is there a clear objective/outcome for scrutinising this topic?</b>

Potential criteria for selecting topic	Yes/No	Comments
Issue identified by members as key issue for public (through Members surgeries and other contact with constituents)		
Poor performing service (evidence from performance indicators/benchmarking)		
Service ranked as important by Council's community (e.g. through market surveys/citizens panels)		
High level of user/general public dissatisfaction with services (e.g. through market surveys/citizens panels/complaints)		
Public interest issue covered in the local media		
High level of budgetary commitment		
Regular patterns of budgetary overspends		
Council corporate priority area		
Central government priority area		
Issues raised in external audit reports		
New government guidance or legislation		
Others?		

Discussions on proposals may reveal that the topic is not a priority for scrutiny. Potential criteria for rejecting a topic might include:

- Issue being examined by the Cabinet
- Issue being examined by Corporate Working group/officer group and changes are imminent, that is, changes are planned to take place within the next six months.
- New legislation or guidance expected within the next year
- Others?

## **Carrying out a Scrutiny Review**

The Scrutiny/Cabinet split has been created as part of the new local political process, but a Scrutiny Review sets aside party politics and concentrates on getting a balanced view of the issues in question, in writing a fair and unbiased report on the outcome and making recommendations which are in the best interests of the community served.

Once topics for the work programme have been agreed, the O&S Committee is able to begin the business of detailed planning for the Scrutiny Review.

Taking a project management approach will ensure effective working and clear outcome which add value to service delivery and policy development.

The key identifiable stages of a Scrutiny Review are as follows:-

- Stage 1: Identifying an issue/topic for review. Review the Business Care Framework to confirm desired outcome.
- Stage 2: Agreeing the scope and developing the Scrutiny Review.
- Stage 3: Gathering evidence.
- Stage 4: Reporting.
- Stage 5: Feedback, monitoring and evaluation.

### **Stage 1: Identifying an issue/topic for review:**

Appropriate issues may be identified through the following sources:

- Corporate priority areas, as identified within the Community Strategy or Council plan.
- Issues arising from items included in the Authority's Forward Plan.
- Cabinet/Council requests.
- Issues identified by Members (perhaps through Ward Surgeries, complaints from constituents etc)
- Identification of poor performing services or services where there is a high level of public dissatisfaction (identified through residents surveys, consultation exercises, levels of complaints etc).
- Topical issues (perhaps the subject of media attention or public concern).
- Issues raised by external inspection and/or audit.

Once issues have been identified, each O&S Committee will make a decision on its work programme including details of the topics that will be reviewed in the municipal year and in which order. A full description of how to develop a work programme (including the selection of scrutiny topics) is covered on pages 19 to 22).

## **Stage 2: Agreeing the Scope and developing the Scrutiny Review:**

Following agreement of an issue for review, work can commence on agreeing the scope and terms of reference for the review. At this stage, consideration should be given to the following factors:

- Setting clear and realistic objectives.
- Identifying information requirements which may include research information, performance indicator information, financial information, legislative requirements and best practice information.
- Identifying evidence required.
- Identifying participants in the review (individuals from whom the Committee / Scrutiny Panel would like to obtain evidence) and in what form the evidence should be presented (written report, oral presentation).
- Establishing the review methodology (for example, meetings, working groups, visits, presentations, 'mystery shopping' trips).
- Establishing the degree of consultation that will be required and appropriate consultation techniques.
- Setting the time-scale for the review – including identifying how the outcome of the review will feed into the planning framework (i.e. the Medium Term Financial Planning cycle).
- The extent of Officer support required.

**Complete Scoping and Developing the Scrutiny Review form overleaf.**

## Scoping and Developing the Scrutiny Review Proforma

Date:

Review Title:

Scrutiny Chair:	Contact details:
Scrutiny Officer:	Contact details:
Departmental Link Officer:	Contact details:
Panel Members:	Contact details:
Other Key Officer contacts:	Contact details:
1. Which of our strategic corporate objectives does this topic address?	
2. What are the main issues?	
3. The Committee's overall aim/objective in doing this work is:	
4. The possible outputs/outcomes are:	
5. What specific value can scrutiny add to this topic?	
6. Who will the Committee be trying to influence as part of its work?	
7. Duration of enquiry?	
8. What category does the review fall into?	
Policy Review <input type="checkbox"/>	Policy Development <input type="checkbox"/>
External Partnership <input type="checkbox"/>	Performance Management <input type="checkbox"/>
Holding Executive to Account <input type="checkbox"/>	

9. Extra resources needed? Would the investigation benefit from the co-operation of an expert witness?	
10. What information do we need?	
Secondary information (background information, existing reports, legislation, central government documents, etc).	Primary/new evidence/information
Who can provide us with further relevant evidence? (Cabinet portfolio holder, officer, service user, general public, expert witness, etc).	What specific areas do we want them to cover when they give evidence?
11. What processes can we use to feed into the review? (site visits/observations, face-to-face questioning, telephone survey, written questionnaire, etc).	
12. In what ways can we involve the public and ay what stages? (consider whole range of consultative mechanisms, local committees and local ward mechanisms).	

## Project Plan Proforma

Scrutiny Chair		Contact Details	
Scrutiny Officer		Contact Details	
Departmental Link Officer		Contact Details	
KEY TASK	ACTIVITIES	DATE	RESPONSIBILITY
Scoping of Review			Scrutiny Officer
Scrutiny Panel, Lead Officer, and Scrutiny Officer meeting - Planning meeting			Scrutiny Panel members, Scrutiny Officer, Departmental link officer
Agree Scope and Project Plan			Overview and Scrutiny Committee
Publicity of Review			Scrutiny Officer
Obtaining Evidence (including the committee dates and mid-review meeting date).			
Analysis of evidence / information			Scrutiny Committee (or panel) and Scrutiny Officer
Members decide recommendations and findings.			Overview and Scrutiny Committee (or Panel)
Meeting to consider draft report			Scrutiny panel, Scrutiny Officer, Departmental Link Officer

Circulate Draft Report to Stakeholders			Scrutiny Officer
Final Agreement of Report			Overview and Scrutiny Committee
Report to Cabinet			Cabinet
Monitor progress of recommendations			Overview and Scrutiny Committee

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**Stages 1 and 2 complete the investigative stage of the project  
(See diagram in the document ‘Stages of a Scrutiny Review’)**

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**Stage 3: Gathering evidence:**

Members of the Committee / Scrutiny Panel will determine the information and evidence needed for the purposes of the review and Scrutiny Officers will co-ordinate provision. Information evidence may be required from a wide range of sources and could include:

- Written evidence/information – this may be provided by relevant Council Officers, Members, Stakeholders, representatives from public or private sector organisations or statutory organisations, academic or ‘specialist’ witnesses
- Oral evidence – which can be obtained from a wide range of sources, including service users and service providers.
- Consultation – this can include questionnaires, surveys, public meetings, focus group sessions and consultation.

Evidence received by the Committee / Scrutiny Panel should be carefully examined, discussed and debated to allow the Committee to agree its recommendations. The Chair’s role is key here, in ensuring all have an opportunity to participate and to achieve a consensus.

Further information for those giving evidence or attending a scrutiny meeting is available in the documents ‘Guide for officers attending Overview and Scrutiny Committees’ and ‘Guide for those attending Overview and Scrutiny Committees as external witnesses’.

#### **Stage 4: Reporting:**

Once all appropriate evidence has been collected, a Committee / Scrutiny Panel is in a position to make appropriate recommendations in relation to the issues being scrutinised. An important aspect of this process is that any resulting recommendations should be SMART, an acronym meaning:

- Specific
- Measurable
- Achievable
- Realistic
- Timely

It is most important though, that the recommendations are evidence-based and relate to and result from the information and evidence provided.

Once the Committee agrees upon recommendations, a report will be produced by the councillors based on the findings and recommendations (with support from Scrutiny Officers) to be presented to Cabinet/Council. Draft reports need to be circulated to key contributors to check for factual accuracy.

The Scrutiny Report should follow a reporting format that encompasses some or all of the following:

1. Foreword
2. Acknowledgements
3. Select Committee membership
4. Original Brief, taken from Scope and Development Documents – Scope and Objectives.
5. Executive summary including recommendations
6. Introduction
7. Background – local and national picture, including facts and figures, performance information, comparators and survey trends to set the context.
8. Evidence/findings – including who was consulted and summarising the evidence provided by them.
9. Conclusions - following analysis of the evidence, what conclusions can be drawn?
10. Recommendations:-
  - a. Should support and address the original issue/topic.
  - b. Should support improving/developing service/policy.
  - c. Should support effective use of resources.
  - d. Should support delivery of efficiency gains.
  - e. Should support delivery of value for money.
11. Appendices

## **Stage 5: Feedback, Monitoring and Evaluation**

The scrutiny process will not end with the presentation of the final report and members will need to build into their project planning exercise measures to:

- Feedback the results of the review to participants, such as service providers, witnesses, consultees, etc
- Monitor the outcomes of any recommendations that are implemented as a result of the scrutiny process
- Evaluate the effectiveness of the review process

### Feedback

The review will need to establish the key messages linked to the recommendations and make referrals to the appropriate chief officers/government departments/outside bodies.

### Evaluation

Immediately at the end of the review, an evaluation will provide a learning opportunity for members and officers by addressing the following questions:

- What went well or did not go well?
- Were the objectives achieved?
- Was the necessary information available?
- Were appropriate witnesses interviewed?
- Will the recommendations be acted upon?
- Will it make a difference?
- How effective was the communication and consultation with partners and the community?
- Did members have the right skills?

### Monitoring

The Committee should also undertake monitoring of the recommendations after Cabinet / Council have endorsed the report and an appropriate period of time has passed. This should assess whether or not the recommendations are being acted upon and help evaluate the impact the scrutiny has had. This will contribute to the Annual Scrutiny Review. Further details on the process for monitoring the outcomes of a scrutiny review are available in the document 'Monitoring Action Plan and progress report proformas'

## GUIDANCE SHEET 1 – Engaging Members of the Public and External Witnesses

The scrutiny process presents the authority with an exciting and unique opportunity to engage members of the public, partners and stakeholders in its work. Developing ways in which these groups can contribute meaningfully to the scrutiny process is a key task facing the authority.

Members of the public, local authority partners and stakeholders can be involved in the scrutiny process in a variety of important ways. For example, they may provide evidence and information as witnesses, or they can give their views as service users and consultees.

External participants to the scrutiny process might include:

- Voluntary/community sector organisations
- Service providers
- Service users
- Representatives from professional organisations
- Experts in the subject area

### **External participants and meeting attendance**

When external witnesses are invited to participate in the scrutiny process, it is important that they are made to feel welcome and to ensure that they understand the functions and remit of the committee, the scope of the review in process, the procedures to be adopted and their role in the process. To this end, all external participants are issued with a 'Guide for those attending O&S Committees as external witnesses' which was created by committee services officers for distribution along with the scope and project plan for the review. The Chair of the Committee should also introduce attendees to people present at evidence gathering sessions and provide a brief introduction to proceedings.

The Committee, when arranging the participation of external witnesses, should also be aware of any special needs the witnesses might have, and make every effort to cater for this.

As the scrutiny exercise permits, they should also, during the scoping exercise, make every effort to ensure that hard to reach groups are included, (ie. people who are elderly, young people, people with disabilities or sensory loss and people from Black and Minority Ethnic backgrounds).

### **Venues**

Accessibility and informality of venues will be an important consideration. A venue which may be suitable for a formal, traditional meeting, may not be appropriate when attempting to encourage public involvement. Some factors to be considered when deciding on an appropriate venue will include:

- Is the venue welcoming to participants?
- Is the venue familiar/well known?
- Is the venue convenient in terms of public transport?
- Is the venue physically accessible?( for example, for people with a disability or people with impaired mobility?)
- Is an induction loop available, where appropriate?

The committee services team has been considering many different options for future scrutiny meetings, and is keen to work with committees to think about the possibilities. Some ideas include:

- Taking meetings out to the community
- Holding daytime/evening meetings

### **Publicising the Scrutiny Review**

Prior to commencing a scrutiny review the O&S Committee should consider how it might engage the appropriate level of public involvement. Public measures, using the press office where appropriate, could include:

- Issuing a press release to inform the public about the proposed scrutiny review
- Informing any particular interest groups or user groups about the proposed scrutiny review
- Making information available in all Council Offices, Libraries, Leisure Centres, Housing Offices, etc
- Placing appropriate information on the internet and intranet
- Placing appropriate publicity in the local press

To engage a wide range of communities, the committee services team will also consider:

- Publicising scrutiny events on local radio
- Placing publicity in community centres
- Communicating with faith groups and the voluntary sector
- Making scrutiny materials available in various languages

## **Guidance Sheet 2 – Calling In Cabinet Decisions**

### **The Call-in Procedure**

'Call-in' is the mechanism which ensures that all non-executive members play an active role in scrutinising executive decisions prior to their implementation. Executive decisions which are subject to call-in are Cabinet decisions or decisions taken by individual Cabinet members.

A request to call-in a decision will only be considered when there is a request from any Leader or Deputy Leader of a political group or any five members of the Council submitted in writing to the Head of Legal and Member Services. The request to call-in a decision must be made within five working days of the publication of the decision and each decision can only be subject to the call-in procedure once.

When the Head of Legal and Member Services is satisfied that a valid call-in has been received, the decision in question will be submitted to the relevant Overview and Scrutiny Committee for consideration within 15 working days from receipt of the notice of call-in.

The relevant chief officer and all members will be notified of the date of the Overview and Scrutiny Committee when the call-in will be considered and no action will be taken to implement the decision until the call-in procedure has been completed.

### **The Role of the Overview and Scrutiny Committee**

The Overview and Scrutiny Committee, upon consideration of an Executive decision which has been subject to a valid call-in, can take the following actions:

- If the Overview and Scrutiny Committee agrees with the decision, it need take no further action and the decision will become effective immediately at the close of the Committee meeting.

OR

- If the Overview and Scrutiny Committee does not agree with the decision, it may refer it back to the decision making body for reconsideration, providing a statement of reasons for the referral. The Cabinet's reconsideration of the matter, and subsequent decision, (i.e. whether to amend or retract the decision) will be final.

OR

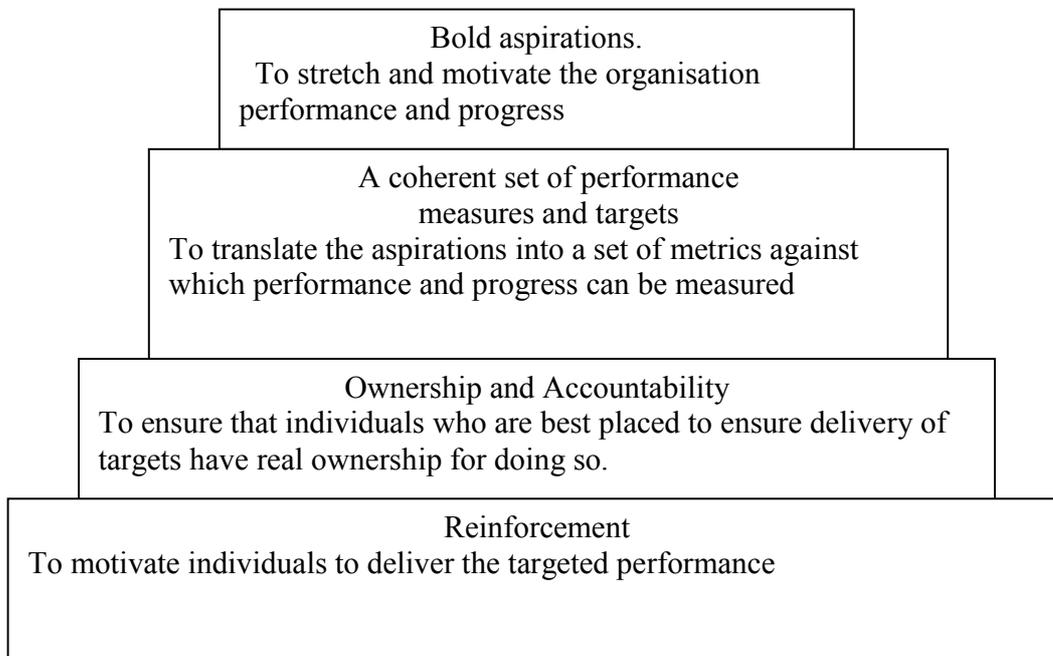
- If the Overview and Scrutiny Committee does not agree with the decision and, having taken appropriate advice, it considers the decision is contrary to the Council's policy framework or approved budget, or is not within the Cabinet's remit or powers, it can refer the matter to Council.

To aid its deliberations the Overview and Scrutiny Committee may require a Cabinet Member and appropriate officers to attend meetings to respond to questions relating to the decision.

If the Overview and Scrutiny Committee recommends that the matter should be referred back to Cabinet for reconsideration, all members who signed the call-in notice, will be invited to the relevant Cabinet meeting.

### Guidance Sheet 3 – Scrutiny and Performance Management

Performance management is not just another initiative. It is taking action in response to actual performance to make outcomes better than they would otherwise be. This performance might be an individual, team, service, corporate or community level. To know what action to take, performance has to be monitored. To know how to judge performance, criteria must be agreed (aims, objectives and targets). There also needs to be a method of assessing performance against the criteria (performance measures). Applying this to the whole organisation requires some systematic application and coordination. Performance management links and overlaps with other aspects of the organisation, such as leadership and culture. Some of these links are essential to performance management being used effectively in generating better outcomes. The key elements of performance management have been summarised in five building blocks.



The use of performance information is critical. It can help in monitoring performance, identifying problems and developing proposals for future policy.

The key is to use performance information as a tool – not to be intimidated by the numbers or review indicators for the sake of it but to use them to deal with real issues. Hard performance data needs to be put in the context of softer, and sometimes subjective views of performance. As with all aspects of the relationship between scrutiny and the executive it is important to avoid duplication of activities between the two.

Is the knowledge gained to be used to make decisions that drive improvement? Influencing political priorities and subsequently setting performance measures, targets and monitoring action plans to improve performance are crucial tasks for members.

One of the difficulties that Members and managers face is that the focus on measurement and the collection of performance information can be seen as an end in itself. It is important not to lose sight of the fundamental objectives of performance measurement:

1. Improved public services
2. Improved accountability

Performance measures should be used within the wider framework of performance management to drive improvement. This means they should be linked to objectives and incorporated in improvement plans, they should be monitored, reported and the information acted upon.

Scrutiny members use performance information and systems to hold the executive to account. Overview and scrutiny is a natural extension of the representation role. It allows performance to be assessed from the perspective of customers and citizens and is the mechanism by which public accountability is exercised.

**Key question:** Does the authority know how well it is performing? Is robust information on performance communicated in an honest balanced and accessible way to staff, stakeholders and the community?

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