Overview and Scrutiny Toolkit

CONTENTS

WHAT IS SCRUTINY?

Overview and scrutiny is the mechanism by which councils can achieve active community leadership and good governance. Overview and scrutiny places members at the heart of policy-making and holding the Cabinet to account.
But, however good an authority is in terms of its processes, 'successful' overview and scrutiny has to involve tangible and substantive outcomes. This means that Scrutiny Committees must be able to demonstrate that they have:

• Held the decision-makers to account;
• Supported the development of effective policies and initiatives, which have a beneficial impact on the community;
• Contributed significantly to continuous improvement in services;
• Positively impacted on the work and outcomes of partners.

UNDERSTANDING SCRUTINY

The executive and scrutiny functions resulted from the Local Government Act 2000 and the Health and Social Care Act 2001 for Health Scrutiny.

Scrutiny helps the Council review decisions and policies and question whether they are right for the Cannock Chase District. It monitors the Council's own achievements against its planned targets. It enables reviews to be carried out in relation to services provided by partners on issues of public concern.

In undertaking these roles, Scrutiny aims to engage service users and the wider public.

The scrutiny process provides the opportunity for members of the Council to examine services provided, to ask questions on how decisions have been made, to consider whether service improvements can be put in place and to make recommendations.

Scrutiny members assist in developing the Council's objectives through their work programmes.

Scrutiny members will conduct reviews in order to make recommendations for the Cabinet or Council to consider. Committee Chairmen, will, if appropriate, run meetings as informally as possible by promoting discussions between members and invited guests who may be service users or external experts who can offer advice to the review.

THE SCRUTINY ROLE

Scrutiny does not have just one role, but many; examples are given below:

- Holding the executive to account
- Policy review
- Policy development
- External scrutiny of partners
- Improvement agenda, performance management and review
- Ensuring corporate priorities are met
- Engaging partner organisations
- Engaging the public
- Providing satisfying and meaningful roles for non-executive councillors

This handbook examines how to undertake the four key roles for overview and scrutiny at Cannock Chase Council:

- Policy development and review;
- Performance management and review;
- Holding the executive to account;
- External scrutiny of Partners.

1.   Policy Development and Review

<u>What is Policy Development and Review?</u>

Policy development involves shaping the formulation of key plans and policies, through examining alternatives against needs, resources and other issues.

Policy reviews can take a number of different forms: 'big picture' reviews, for example, reviewing the impact of housing policy within an authority; or more focused reviews, for example, reviewing the decoration allowances schemes. Usually, the focus is on examining whether the intended policy outcomes have been achieved, but committees could explore other issues such as take-up of services, awareness, the processes involved and so on.

2.   Holding the executive to account

<u>What is holding the executive to account?</u>

This comprises two principal aspects:

*   Scrutinising decisions before they are implemented – known as the Call-in Procedures.
*   Scrutinising decisions taken after they have been implemented.

The role can be interpreted as the 'scrutiny' side of the overview and scrutiny role; examining executive agendas, minutes, forward plans in detail and using call-in or other mechanisms to comment or intervene in the decision-making process.

<u>Call-in Procedures</u>

A key function of a Scrutiny Committee is to hold the Executive to account for the discharge of its functions including scrutinising Executive decisions before they are implemented – known as "Call-in".

The full call-in procedure is set out in the Scrutiny Procedure Rules contained in Part 4, Section 31, of the Council's Constitution.

Call-in can be used whenever an Executive decision, which is not made under Special Urgency Rule 14 of Section 33 is not yet implemented. The effect is to prevent implementation until the relevant Scrutiny Committee has examined the decision and made no referral and recommendation to either Cabinet or Council, or the referral has been decided by Cabinet or Council in favour of the decision.

When calling-in a decision, there must be a sound reason to do so; for example:

(a)   Members have evidence which suggests that the Executive did not take the decision in accordance with the principles set out in Section 10 (Decision Making);

(b)   Proportionality (action was not appropriate to the outcome);
(c)   The decision has detrimental financial or social effects;
(d)   Professional advice had not been followed;
(e)   The decision has not been made in accordance with the Budget and Policy Framework. (In these circumstances the Members of a Scrutiny Committee may wish to seek the advice of the Monitoring Officer).

Following a debate on the Call-in, the Scrutiny Committee may:

(a)   reject the motion:
(b)   refer the decision back to the Cabinet for reconsideration with a Recommendation; or
(c)   refer the matter to full Council with a recommendation for a decision

Any Member proposing that a matter be called-in should first discuss this with the appropriate Portfolio Leader or in his/her absence the Council Leader or Deputy Leader. This provides opportunity for detailed explanation of the decision and further information.

3.   Performance Management and Review

Scrutiny Members have a key role to play in helping to improve the performance of the authority. They do this by assessing performance data against performance indicators and also scrutinising external performance and inspection reports.

The Council's performance management framework provides a regular cycle of reporting of performance information to Scrutiny via the respective Priority Delivery Plans (PDPs) for each Committee.

4.   External Scrutiny of Partners

What is external scrutiny?

The primary purpose of external scrutiny is to scrutinise the work and impact of external agencies (partners) on a council's community. These may be other public agencies such as health service organisations or voluntary and private sector organisations.

The Council has established a Health Scrutiny Committee under the provisions of the Health and Social Care Act 2001 to act as a lever to improve the health of local people.

The Health Scrutiny Committee encourages participation from the Clinical Commissioning Group and looks at ways to address health inequalities within the District. The Committee also scrutinises the work of NHS bodies.

WHO DOES WHAT?

Cannock Chase Council now has 6 Scrutiny Committees based on the Council's Corporate Plan and strategic objectives:

- Community Safety
- Health
- Better Jobs and Skills
- More and Better Housing
- Environment
- Customers and Corporate

What are the responsibilities of the Scrutiny Committees?

The terms of reference for the Scrutiny Committees are laid out in Part 3, Section 16, of the Council's Constitution and are summarised below:

Scrutiny Committee	Terms of Reference
Better Jobs and Skills	*Better Jobs and Skills PDP* (including Education) Economic Development and Planning Building Control Town Centre Regeneration Markets Performance Management of the Locality Partnership Plan for "Increased Economic Prosperity"
Community Safety	*Cleaner and Safer Environments PDP* (Community Safety aspects) Performance Management of the Locality Partnership Plan for "Increased Community Safety" Licensing CCTV
Customers and Corporate	*Customers PDP* Corporate Issues Budget Consultation Corporate & Support Services – i.e. Finance, HR, Governance, Legal, Technology, Communications, Customer Services (inc. Social Alarms) and Civic Support Local Taxation and Benefits
Environment	*Cleaner and Safer Environment PDP* (Environmental aspects) Street Cleansing Waste & Engineering Services Countryside Service, Trees, Open Spaces and Allotments Bereavement Services Environmental Protection
Health	*Better Health Outcomes PDP* Health and Wellbeing Culture and Sport (including Parks) Performance Management of the Local Partnership Plan for "Improved Health and Wellbeing" The Statutory Functions of the Council's Health Scrutiny Committee under the Health and Social Care Act, 2001 and Regulations made under that Act
Housing	*More and Better Housing PDP* The Housing Service Private Sector Housing

DEVELOPING THE WORK PROGRAMME

Members have a key role to play in developing the work programme for the Scrutiny Committees and it is important that manageable programmes are developed. The Scrutiny Committees will need to filter potential items of work; to be selective and to prioritise.

Given the limited resources available, in particular the constraints on member and officer time, it is unrealistic to select more than a few items for intensive review. Realistically, a single committee cannot undertake more than two in-depth reviews per year.

In developing the work programme Members are encouraged to consider the following questions:

Public interest – the concerns of local people should influence the issues chosen. Things to think about include:
o Any issues raised with you when canvassing;
o Have any surveys or research undertaken by the Council identified any concerns
o is the issue an identified priority for the Council or partners

Ability to change - priority should be given to issues that the Committee can realistically influence. Think about what difference Scrutiny could make and what would happen if you did not look at this issue.

Performance: priority should be given to areas in which the Council and Partners are not performing well. You should consider, the scale of the underperformance, whether it is a one off or whether there is an ongoing issue. Has the service been flagged up in an external inspection report for poor performance?

Extent: priority should be given to issues that are relevant to all or a large part of the District

Replication: work programme must take account of what else is happening to avoid duplication or wasted effort

Work programmes should be determined at the start of each municipal year and reviewed and revised regularly. Any reviews not started or completed by the year end can be referred for consideration as part of the following year's work programme. The best advice is to start small, learn what works well and what does not and then be more ambitious. It is far easier to add items to the workload than to remove them.

Different items may require different approaches. For example, the Scrutiny Committees can examine the Forward Plan, but may only choose to examine one or two items in any depth. Similarly, if the Scrutiny Committee is asked their views by the Cabinet on key policies and plans, such consultation does not have to involve in-depth investigation. Similarly with reviews, a more selective approach should be

taken, examining more problematic areas in greater depth and others with a lighter touch may prove to be more beneficial.

Members will also need to think about how to manage the workload, whether issues are considered by the whole committee, whether a task and finish group is set up or whether 'paired members' or individual 'lead' members are used.

UNDERTAKING A REVIEW

Scrutiny reviews need to be carefully planned and managed through their various stages. It is suggested that the following approach be adopted for all scrutiny reviews.

Stage 1	Agree the issue
Stage 2	Determine the nature of member involvement The Scrutiny/Select Committee will agree how the issue is to be investigated and will agree the membership of any working group.
Stage 3	Scoping exercise At the first meeting, the committee/work group should identify the over-arching question for the review (what are they trying to achieve), the information required and the organisations that need to be involved. The timetable of meetings of estimated completion date should also be agreed. Agree the work to be done and who by.
Stage 4	Engage Public and Partners
Stage 5	Gather the evidence Oral and written evidence
Stage 6	Formulating recommendations and reporting The data and evidence gathered will need to be reviewed in order to form conclusions and recommendations. The final report will then be presented to the full Committee and Cabinet and/or Council.
Stage 7	Follow-up Members will need to consider how the review will be followed up or evaluated. It may be helpful to have an action plan or some performance measures to form the basis of any monitoring.

Stage 1: Agree the Issue

The first step is for scrutiny members to be sure that the subject to be reviewed is significant. Undertaking in-depth reviews is resource-intensive – of member and officer resources. Investing such a high level of resources should only be undertaken for **high priority issues**.

The following are criteria, which could be used to 'check' a topic against, to ensure that it would make a worthwhile review:

- Issue identified by members as key issue (through members' surgeries and other constituency activities);
- Performance issues within a service (eg significant under or overachievement of targets;
- Service considered to be important by the community (through market research, citizens' panels and so on);
- High level of user/general public dissatisfaction with service;
- Public interest issue highlighted in local media;
- High level of budgetary commitment to policy/service area;
- Persistent financial issues eg significant under or overspends.
- Council corporate priority area;
- Central government priority area;
- Issue raised in Inspection Reports
- Issue referred by the Cabinet or the Audit & Governance Committee
- New government guidance or legislation.

Stage 2: Determine the nature of member involvement

The committee will need to decide how members will drive the review. There are three possible approaches to member involvement:

- The whole committee investigates the issue;
- A task and finish working group is established to drive the investigation;
- Individual or paired members drive the review.

For the majority of reviews the first two are likely to predominate, although individual or paired members may be used to review particular aspects of the subject area. Whichever approach is adopted, all activities should be conducted in the same spirit with the same willingness to experiment, challenge and explore different ways of doing things. Members are encouraged to take an active role in reviews, eg undertaking their own research on the internet, through visits, etc.

Vital to the whole review activity is that members take full control of which policy problems and solutions are explored and how that exploration takes place. Members need to take responsibility for, and ownership of, the outputs and outcomes of reviews.

Stage 3: Scoping Exercise

Any resource-intensive review requires careful project planning and the better the planning *beforehand* the more successful the review will be in the longer term. There are 4 key issues to consider when scoping the review:

- What are the core questions the review is seeking to answer? (<u>no more than 3</u>)
- What is the purpose of the Review? (<u>in one sentence</u>)
- What will <u>not</u> be included?
- What is the timescale?

Careful project management involves drawing up a project plan for the review. Such a plan should cover:

- A fixed period for the activity
- The creation by members of a 'terms of reference' for the review
- Calling of independent and expert witnesses
- Hearing of evidence from stakeholders, communities and citizens, led by members
- Member visits, information and data collection: qualitative and quantitative
- A series of events at which members sift, discuss and assess evidence gathered
- Checking of member responses to evidence and data with stakeholders, communities, citizens and experts
- Final report to Council and/or Cabinet Decision by Council and/or Cabinet reported to the committee
- Review and up-date of the implementation or development of the policy – with targets and criteria for assessment

Project Plan for Individual Reviews:
Terms of Reference
Witnesses – Who? Why?
Documents/evidence – What? Why?
Site Visits – Where? Why?
Consultation/research/other methods? Why? What? Who?
Timescales for review
Officer support
Conclusions/recommendations

Stage 4: Engage Public and Partners

If Scrutiny Committees are going to realise their potential in terms of contributing to the community leadership work of their authorities, then they have to engage the public and partners. Developing such an outward focus is challenging for overview and scrutiny. Before starting the review, Members should consider *whether* and *how*

to best engage the public and / or partners.

Consideration could be given to the following:
- Can the public/partners/ be involved as participants in the review?;
- Can the public/partners serve as co-opted members?;
- Can the public/partners be invited as observers/spectators?;
- Can the public/partners be invited as witnesses to give evidence?

Stage 5: Gather the evidence – written and oral evidence

Careful consideration will need to be given to the timescale for gathering, analysing and presenting evidence. A balance will also need to be struck between written and oral evidence.

Written and Secondary Evidence
This stage of the review involves the following:
- Calling for written evidence from a range of internal and external individuals and organisations. This very much follows the parliamentary select committee approach.
- Reviewing existing internal council plans, policies, strategies, and reports which are relevant to the subject area;
- Reviewing relevant Government guidance, legislation and documentation;
- Reviewing relevant guidance, good practice guides from national and regional bodies (such as LGA, Centre for Public Scrutiny);
- Reviewing good and innovative reports and plans from other authorities.

Oral Evidence
If the authority has gathered written evidence from a range of organisations, then it can use this evidence as a guide for inviting a selected number of organisations to provide oral evidence to the committee or panel.

Generally, internal witnesses would include:
- Relevant cabinet member(s);
- Relevant senior officers;

External witnesses can be drawn from a wide range of individuals and organisations, as the following demonstrates:
- Members and officers from other local authorities;
- Senior officers from external local public agencies e.g., , health authorities, Learning and Skills Councils and so on;
- Senior officers from external regional public agencies e.g., Government Officers, Local Enterprise Partnerships ;
- Representatives from local voluntary sector organisations, regional organisations and national organisations;
- Representatives from professional associations;
- Representatives from trade unions;
- Representatives from the private sector (chamber of commerce and so on);

- Representatives of user groups (local, regional, national);
- Community representatives;
- Recognised experts in the subject area (academics, public or private sector managers).

A successful witness package needs to consider:
- Who are the key stakeholders whose views should be represented?
- How do we ensure a good balance between different views?
- Who will make good witnesses (in a public setting)?
- Who is likely to be intimidated by a formal setting?
- Would a more informal/localised setting be more beneficial?

When inviting witnesses to a meeting, there are a number of issues which should be considered:

Determining the right location
Many oral hearings are best undertaken in committee rooms which can be properly equipped for such work. However, some meetings which intend to gather oral evidence are better undertaken outside of the civic suite, for example in schools, community centres, leisure venues and so on. Such meetings can have very specific advantages:
- They can increase partner and public turnout and engagement in the process;
- More local, less formal, surroundings can put witnesses more at their ease.

Getting the right layout
For a formal oral hearing, the parliamentary select committee's horseshoe table layout is particularly effective.

Briefing witnesses beforehand
It is important that internal and external witnesses are given a clear briefing of what to expect beforehand.

Question plans should be prepared beforehand and questions should be forwarded to the witnesses at least 5 working days before the interview.

At the meeting, the Chairman should explain the role of the working group, its terms of reference and the process to be followed at the meeting. The witness should be given the opportunity to ask questions in order to clarify their role.

Checking evidence with witnesses
It is always good practice to send written records of oral hearings to witnesses to ensure accuracy.

Other Methods
Gathering written and oral evidence are not the only methods available to Scrutiny Committees; other examples are listed in the table below. The skill is to match the review with the appropriate methods.

Scrutiny Processes and Activities:	
Internal Processes	Discussions within meetings
	Officer reports and presentations
	Interviewing officers
	Interviewing executive members
	Desk-based review of internal and external documentation, e.g. relevant strategies, policies and budgets, reviewing webcasts and other online media
	Site visits within the authority
External Processes – general	Interviewing expert witnesses
	Visit to other authorities and other organisations
External Processes – engaging partners	Co-option of representatives of partner organisations
	Joint working party with partner organisations
	Interviewing representatives of partner organisations
	Visits to view work of partners
	Workshops/discussions with partners
External processes – engaging the public and users of the service	Co-option of representatives of user groups
	Interviewing representatives of user groups
	Workshops with representatives of user groups
	Public meetings
	Press releases and media launches

There is no specific funding available to cover any costs associated with organising visits or other expenses. However, it will generally be possible to cover minimal costs from within existing service budgets. Where it is not possible to do this, the Scrutiny Committee would either need to consider alternative ways of gathering the information that they require or they will need to submit a request to establish a budget to the Cabinet in the first instance.

Stage 6: Formulating Recommendations and Reporting

Members will need to review the data and evidence that has been collected to form their conclusions and recommendations and draft their report. Support will be available from officers to assist in drafting reports

Good reports:
• Are evidence-based, outlining the written, oral and other evidence presented to the committee;
• Are user friendly, written in plain English;
• Use photographs, graphs, charts and other visual aids to engage the readers;
• Include a brief, concise summary;
• Include SMART (specific, measurable, accurate, realistic and timely) recommendations.

Sending draft reports to those individuals and organisations who provided evidence is also seen as good practice. Participants should also be given the opportunity to comment on any recommendations relating to their area of participation.

If a working group has been established, its report and recommendations must be presented to and approved by its "parent" Scrutiny Committee before referring it to Cabinet. Cabinet should then be given the opportunity to comment on reports and it should determine its response to reports and action any agreed recommendations.

Any decision of the Cabinet in respect of the report will be referred to the next meeting of the Scrutiny Committee together with its observations.

Stage 7: Follow-up

Follow-up is key to successful reviews. Progress reports on actions taken from the review are valuable six months after the initial review has been completed. On completion of the review, Members should consider what follow-up action will be taken.

Sometimes issues may arise which do not merit a formal report but which an Scrutiny Committee or Chairman consider are worth raising with the Cabinet Member or Senior Officer. There is nothing to prevent this being done through informal dialogue but the Committee may wish to seek feedback on how the issue is to be taken forward.

OFFICERS' CONTACT DETAILS:

Include contact details for 'Scrutiny Officers' and lead officers for each of the committees