# Essex County Council

## Overview and Scrutiny Handbook

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- What is overview and scrutiny?
- Who are witnesses?
- What is evidence?
- How do overview and scrutiny committees work?
- What will happen if I am invited to act as a witness as part of a review?
- Confidentiality
- How should I prepare to be an overview and scrutiny committee ‘witness’?
- What will happen after the Meeting?
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- What is Overview and Scrutiny?
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- What are the aims of Overview and Scrutiny Committees?
- How do Overview and Scrutiny Committees work?
- How will I know when a Scrutiny Committee is looking at a service I manage?
- What information must I provide?
- If I am asked to attend what will councillors ask me?
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- Appendix: Officers’ expectations of members undertaking the Overview and Scrutiny

**Guide to Overview and Scrutiny for County Councillors**

Published separately

Dated July 2013
ESSEX COUNTY COUNCIL
OVERVIEW AND SCRUTINY HANDBOOK

Introduction

Contents of this section:

- The Purpose of this Handbook
- Structure of Handbook

The Purpose of this Handbook

This scrutiny guidance aims to provide clear advice for elected county councillors, officers and others to support the effective management and development of Essex County Council’s overview and scrutiny (OS) arrangements. Nevertheless it is targeted at all audiences - council members, officers, the public, local partner organisations, and regional and national organisations and agencies, who might be invited to give evidence as part of a scrutiny review, or who are interested in OS generally.

Overall it is intended to -

- provide a brief overview of the County Council’s current OS structures, including the Health Overview and Scrutiny Committee; *(Detailed provisions are set out in the Council’s Constitution)*;

- propose a consistent approach to scrutiny across the Council and set out good practice in undertaking scrutiny reviews; and

- outline the roles that can be played in scrutiny, and the skills needed to perform those roles.

In terms of guidance, the handbook is not intended to be prescriptive, but to make the scrutiny review process a more structured and informed one in order to help councillors and officers make conscious choices about the ways in which reviews are carried out.

The handbook is intended to be a reference point to each part of the OS process. While there is significant reference to committees performing scrutiny, the processes are equally applicable to all aspects of a committee’s work including policy development. Included in the handbook are a number of templates and checklists as it is intended to be a working document to be referenced and utilised throughout the various stages of the scrutiny process.

OS is a concept that is developing all the time and, in keeping with national trends, there is still much work to be done in the Council to ensure that it
functions as effectively as possible. It is hoped that this guidance will make an important contribution to the development of positive outcomes from OS activity.

**Structure of Handbook**

The handbook has been written as a series of individual sections to assist the reader in order to access the information being sought easily. At the beginning of each section is a list of contents; and at the end the date of its publication.

Over time it is inevitable that there will be changes affecting the County Council’s OS activities and, therefore, from time to time sections will be amended to reflect those changes, and also reflect lessons learned with increasing experience and development of good practice,

It is intended that the handbook will also draw together any information that is produced in relation to the way that it is intended OS will be conducted, eg protocol and associated guidance.

Please note that the term ‘committee’ is used generically throughout the handbook to encompass all OS committee activity as established by the County Council. A full list of acronyms and terms has been included with the handbook for ease of reference.

**Endorsed by the Essex Scrutiny Board**

Dated July 2013
Detailed below are some of the terms used around the overview and scrutiny function by Essex County Council, which explains how it uses or interprets a term, phrase or abbreviation.

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<th>Term</th>
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<td>Annual Report</td>
<td>Scrutiny Committees summarise their work, performance and work programmes, and findings in an Annual Report submitted to full Council.</td>
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<td>Allowance</td>
<td>A payment towards expenses or costs</td>
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<td>Member's Allowances</td>
<td>Paid to members in recognition of out of pocket expenses or direct costs of being a Member of the Council.</td>
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<tr>
<td>Budget</td>
<td>The annual summary of income and expenditure.</td>
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<tr>
<td>Cabinet/Executive</td>
<td>The Cabinet body of elected councillors responsible for the day to-day running of the council and the development of policy. Also referred to as 'the Executive'. Cabinet members have portfolios or areas of responsibility (e.g. Leader, Adult Social Care for which they take Cabinet decisions.</td>
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<tr>
<td>Call-in</td>
<td>The process by which overview and scrutiny committees can look at whether a decision is properly taken or is the right decision and require it to be reconsidered.</td>
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<tr>
<td>Centre for Public Scrutiny (CfPS)</td>
<td>The CfPS is a charity whose principal focus is on scrutiny, accountability and good governance, both in the public sector and amongst those people and organisations who deliver publicly-funded services.</td>
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<tr>
<td>Chairman/Vice Chairman</td>
<td>The person who chairs a committee of the council e.g. a scrutiny committee.</td>
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<td>Chief Executive</td>
<td>The most senior paid official of the council with overall responsibility for the whole of the council’s operation.</td>
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<tr>
<td>Term</td>
<td>Description</td>
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<td>Co-opted Member to an OS Task and Finish Group</td>
<td>An individual with an area of expertise or experience who is invited to sit on a committee or task group to provide information and advice to maximise effective project outcomes.</td>
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<tr>
<td>Constitution</td>
<td>The set of rules governing the decision-making arrangements and activities of Essex County Council.</td>
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<td>Councillor/Member</td>
<td>An elected local representative on the council, a councillor represents the interests of the people who live in their division or Essex as a whole. Often referred to as a ‘Member’.</td>
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<td>Cross-cutting review</td>
<td>A cross-cutting review addresses a topic which covers more than one service area, and in certain cases, examines services provided by organisations other than the council (e.g. the police, health trusts, voluntary sector organisations, etc.) One of the aims of such a review is to ascertain how well the various agencies communicate and work together, and to put forward recommendations for improvements in this area.</td>
</tr>
<tr>
<td>Officer/Employee</td>
<td>A paid official of the council.</td>
</tr>
<tr>
<td>Division</td>
<td>An area of the administrative county of Essex for which County Council elections are conducted.</td>
</tr>
<tr>
<td>Essex County Council (ECC)</td>
<td>The local authority which delivers county council services to the whole of administrative county of Essex. These are mostly different to the services provided by the twelve Borough, City and District Councils situated within the area.</td>
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<td>Forward Plan</td>
<td>A list of key decisions which will be taken by the Cabinet. The plan is updated each month.</td>
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<td>Full Council</td>
<td>The term used for the organisation or in respect of the meeting of all of the elected councillors.</td>
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<td>Green Paper</td>
<td>A green paper is a consultation document on central government policy. The Government may publish a green paper outlining policy on a matter and asking for feedback, before presenting it to Parliament as a bill. A green paper is not a requirement of any bill.</td>
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<td>Head of Paid Service</td>
<td>A statutory role usually combined with that of the Chief Executive.</td>
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<td>INLOGOV Institute of Local Government Studies</td>
<td>The Improvement and Development Agency (IDeA) was established by and for Local Government in April 1999. It aims to:</td>
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| **Improvement and Development Agency (IDeA)** | - deliver practical solutions to improve local government performance,  
- develop innovative approaches to ensure the transfer of knowledge within local government,  
- act on behalf of local government as a whole, and  
- promoting joined-up, locally delivered services |
| **Joined up working** | When organisations such as councils, hospitals and schools work together to identify and solve local problems. The government has pushed this idea as a means of closing the gaps between public services and improving overall performance. |
| **Key decision** | An important decision which affects more than one division of the council or will involve spending of large amounts of money. They must be made public and can only be taken after appropriate notice. |
| **LA** | Local Authority |
| **Leader of the Council** | The political head of the council, usually the leader of the largest group of members (or coalition) – responsible for the proposal of policies and day to day running of the council. |
| **Local Government Association (LGA)** | The LGA represents the local authorities of England and Wales – a total of just under 500 authorities. It also represents police authorities, through the Association of Police Authorities (APA); fire authorities and passenger transport authorities. |
| **Local Government Information Unit (LGIU)** | The LGIU is an independent research and information organisation supported by over 150 councils and the local government trade unions.  
The LGIU aims to be an advocate for strong democratic local government with the financial base and powers required to act with and on behalf of local communities. |
<p>| <strong>Minutes</strong> | The formal record of the proceedings of a meeting. |
| <strong>Monitoring Officer</strong> | The officer appointed under the Local Government and Housing Act 1989 to oversee the legality of councils actions and the ethical behaviour of members and employees. |
| <strong>Non-executive councillors</strong> | These are councillors who are not members of the Cabinet. |
| <strong>Policy</strong> | A plan of action or approach to an issue – part of the councils policy framework. |</p>
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<th>Term</th>
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<td>Political Proportionality/Balance</td>
<td>The system by which each group is represented on council bodies in proportion to the number of members of the group relative to the size of the council as a whole.</td>
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<td>Portfolio Holder</td>
<td>A member of the Cabinet with responsibilities for specific aspects of the council's policy or work.</td>
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<td>Protocol</td>
<td>A document which sets out how people will behave or how matters will be handled.</td>
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<td>Regulatory</td>
<td>The functions of the council which “regulate” e.g. licensing and Planning</td>
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<td>Rules of Procedure/Standing Orders</td>
<td>The rules that govern the way specified matters must be handled.</td>
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<td>Scoping Document</td>
<td>A scoping document sets out key information on a review designed to assist in the planning and management of a review.</td>
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<td>Scrutiny review</td>
<td>A study led by scrutiny councillors on a current issue, selected by the committee. It aims to identify areas of good as well as poor practice, compare performance with other councils countrywide and challenge existing practice where relevant.</td>
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<td>Task and Finish Group (TFG)</td>
<td>Committees may establish smaller working groups or panels to conduct individual reviews, which are known as TFGs.</td>
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<td>Witness</td>
<td>A ‘witness’ is an individual who is invited to give written or oral evidence to an OS committee as part of a review.</td>
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<td>White Paper</td>
<td>Statement of policy issued by the government. White papers often form the basis of new legislation and are usually preceded by a consultative green paper.</td>
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<td>Work Programme</td>
<td>The work programme sets out the work of the Scrutiny Committee over a period of time eg 12 months.</td>
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Overview and Scrutiny Handbook:
General Background to Overview and Scrutiny

Contents of this Section:

- What is Overview and Scrutiny?
- Health Scrutiny
- How to deliver effective Overview and Scrutiny
- What Scrutiny is not

The Local Government Act 2000 (Section 21) introduced a new approach to decision-making in councils (sometimes described as the ‘Executive-Scrutiny’ split), and required councils to set up new structures to replace the traditional committee system that had been in place for more than 150 years. Executive councillors propose and implement policies, non-executive councillors review policy and scrutinise decisions.

The aim of overview and scrutiny (OS) is to make the decision-making process more transparent, accountable and inclusive, and improve services for people by being responsive to their needs. For scrutiny to be effective, the process must be open, fair, constructive and positive. The aim is to challenge so improvements can be made, not apportion blame when things go wrong.

At Essex County Council an executive body of councillors known as ‘the Cabinet’ provides the Council’s strategic direction, ensures the implementation of policies, and is accountable for key decisions. Non-executive councillors are expected to hold the Cabinet to account by scrutinising policy and executive decisions. A key tenet of the legislation is that a decision should not be scrutinised by a person who was involved in making that decision.

What is Overview and Scrutiny?

The original proposals for scrutiny were closely aligned with the role of holding the executive to account. However, the actual legislation introduced the concept of OS whereby those councillors undertaking scrutiny also have a role in the overview of the development and review of key policies and strategies. OS committees have no decision–making powers and, therefore, they must contribute to improved policy by influencing decision-makers through evidence and debate.

There is no single definition of OS, and many councils have found it difficult to develop new processes for scrutiny or indeed to address what it means in practice. The 2000 Act requires councils to perform OS, but it is not prescriptive about what scrutiny is or how it is to be performed. As there is no
agreed definition of Scrutiny, it is best to see it as an umbrella term covering a wide range of roles to improve services for the local community. The Act established the following key roles for scrutiny:

1. **Holding the Executive to Account**

   This role involves scrutinising executive decisions before or after they are made or implemented.

2. **Policy Development and Policy Review**

   This role involves shaping the formulation of key Council policies before implementation. This can take a number of different forms including proposing new policies and commenting on draft policies and examining which intended policy outcomes have been achieved, or examining broad cross-cutting areas.

3. **Review of Council Services (Best Value Reviews/Performance Monitoring)**

   To ensure that Council services are achieving both customer satisfaction and value for money, scrutiny is used to review these functions, monitor Council performance and ensure standards are being met. In addition this role provides councillors with an opportunity to be involved in various improvement plans and, in particular, the monitoring of action plans to review progress.

**External Scrutiny**

OS committees are not confined to looking only at Council services. This role involves examining the impact of work undertaken by outside bodies upon the community that the Council serves.

The role of OS is to review policy and challenge whether the executive has made the right decisions to deliver policy goals. This is different from the role of the audit committee, which exists to provide independent assurance that there are adequate controls in place to mitigate key risks and to provide assurance that the authority, including the scrutiny function, is operating effectively. That said an audit committee’s judgements may well be informed by the results of scrutiny within the authority.

The scrutiny process should be inclusive and aim to ensure that all those who wish to contribute - whether as councillors, officers, co-optees, specialists or members of the public giving evidence - feel valued and are able to speak freely and openly. More recently the Centre for Public Scrutiny (CIPS) has identified four principles of good scrutiny in its publication ‘The Good Scrutiny Guide’ (updated 2012) as:

- Constructive ‘critical friend’ challenge,
- Amplifies the voices and concerns of the public,
• Led by independent people who take responsibility for their role, and
• Drives improvement in public services.

Scrubity committees may also:

• Provide valuable, satisfying and meaningful roles for non-executive members
• Consider general performance management and review
• Ensure corporate priorities are met
• Monitor and recommend revisions to the constitution
• Engage partner organisations, the public and the press

Health Scrutiny

Health scrutiny in particular is different in character from other overview and scrutiny activity and is referred to separately in this elsewhere in this OS handbook.

How to deliver effective Overview and Scrutiny?

To be effective overview and scrutiny must influence others. It does not have the power to implement changes or take decisions itself. Therefore, it is useful to identify those elements that contribute to the effectiveness of Scrutiny:

• Developing an inclusive approach: working to engage all relevant stakeholders, including partners and the public.
• Working in a transparent way, making it clear to all those involved how the process works.
• Demonstrating accountability for the process and outcomes of OS.
• Being efficient and responding to the needs and aspirations of the community.
• Working in a deliberative way which underpins an evidence-based approach to the work of OS.
• Demonstrating a non-partisan approach, placing the needs and aspirations of the community above the consideration of party politics.
• Strengthening the democratic process of decision-making, through initiating and improving the quality of debate.
• Demonstrating effective work management, to make sure that scrutiny activities are timely and have impact.
• Showing positive leadership, to enable OS committees to function smoothly.

What Scrutiny is not

The scrutiny process is not designed to deal with:
1. Minor matters or individual concerns that are not of wider significance to the community. A member of the public and councillors may pursue such issues through the appropriate service managers;

2. Individual complaints that should be addressed through the Council’s Complaints Procedure;

3. Matters that are already being addressed;

4. Matters that are subject to legal proceedings;

5. Matters that are prejudicial to the Council’s interests;

6. Individual disciplinary or grievance matters;

7. Matters that are appropriate for the Standards Committee;

8. Matters that are unlikely to result in improvements for local people.

Scrutiny in particular is intended to ensure that the Council delivers its objectives, by creating an open, transparent mechanism for councillors to shape, question, evaluate and challenge its policies, decisions and performance. The expectation is that OS members will adopt a deliberative, investigative and evidence based approach. The scrutiny role is distinct from the role of the Executive, but not in opposition to it. It is often referred to the role of a critical friend.

**Note**

*This section provides the reader with general background to the principles of overview and scrutiny rather than the way that Essex County Council has chosen to develop the function in practice, which is described elsewhere in this handbook.*

Dated July 2013
Overview and Scrutiny Handbook:

Background to Overview and Scrutiny Legislation in Local Government, and the Changing Environment

Contents of this section:
- Legislation
- Changing Landscape

Legislation

The Local Government Act 2000 introduced new arrangements that defined a scrutiny role for elected members sitting on overview and scrutiny (OS) committees. They were to hold the members who formed the executive or cabinet to account and to scrutinise the work of other agencies providing local services. From this time there was a clear distinction between the executive’s role in developing and implementing policies and the role of non-executive members in reviewing policy and scrutinising executive decisions.

The new OS committees were given powers to review decisions and policies of bodies other than councils operating in their areas and to require council officers and cabinet members to attend and answer questions. They are able to make recommendations and propose changes to be considered by the executive.

Through the scrutiny process members have power to hold partner organisations to account. The Health and Social Care Act 2012 gave councils responsibility for scrutinising local NHS trusts including primary care trusts. Powers were further extended by the Police and Justice Act 2006 which provided powers to scrutinise the work of crime and disorder reduction partnerships.

The Local Government and Public Involvement in Health Act 2007 and the Local Democracy, Economic development and Construction Act 2009 gave powers to local government to scrutinise other partner organisations including bodies such as the Environment Agency. It also brought in provisions that affect how scrutiny committees work including powers over the creation of joint committees and power to resolve local issues through the ‘councillor call to action’.

The Localism Act 2011 consolidated the earlier legislation with some detailed amendments as to the scope of scrutiny that were taken into account by Essex County Council as part of the review of its overview and scrutiny function in 2013.
The Changing Landscape

The years since the introduction of local government overview and scrutiny in the early 2000s have seen accelerating change for local government nationally and for the County Council. It is essential that our scrutiny model remains fit for purpose if it is to contribute to the management of change. Recent and continuing national issues (all of which impact on the Council) include public expenditure reductions, the development of public rights and regulatory regimes covering, amongst other matters, data protection, freedom of information, surveillance and concerns relating to the resilience of contractors and commercial partners as the public sector moves further into commissioning. Increased concern for the protection of the vulnerable and the abuse of authority is also a matter of increasing reputational concern.

Local issues for Essex include ongoing service re-configuration and the move to a commissioning authority which inevitably involve risks which have to be managed.

Each of these issues creates risks which overview and scrutiny should, in appropriate modules be competent to review with a view to providing assurance or otherwise. However, scrutiny can only engage with these issues if scrutiny members themselves have a sound understanding of these issues at both the national and local level and of the Council’s response in terms of its service configuration and commissioning strategy.

Empowering and equipping members to operate in an increasingly complex environment in which relations with public sector and commercial partners are secured through sophisticated, and in some cases ground breaking, arrangements is a major challenge for the Council. It will require a clear commitment from the Council, the political groups and all elected members.

Dated July 2013
Overview and Scrutiny Handbook:

Context and Political Organisational Structure at Essex County Council

Contents of this Section:

- The Council’s Constitution
- Council’s Political Management Structure
- Appendices – Extracts from the Council’s Constitution on Overview and Scrutiny Committees, and the Health Overview and Scrutiny Committee

This section explains briefly the overview and scrutiny (OS) structure in Essex County Council, and its operational context.

The Council's Constitution

The overview and scrutiny structure and procedures are set out in the Essex County Council’s Constitution. It sets out how the Council operates, how decisions are made, and the rules and procedures which are followed to ensure that these are efficient, transparent and accountable to local people.

The current version of the Constitution is available to view on the website: www.essex.gov.uk, and the reader is referred to the following sections that focus upon overview and scrutiny:

- Article 9 – Overview and Scrutiny Committees
- Article 10 - Health Overview And Scrutiny Committee
- Part 4 - Procedure Rules - Overview and Scrutiny Procedure Rules
- Part 4 – Procedure Rules - Health Overview and Scrutiny Procedure Rules

Call Ins referred to in Article 9.5 – Also refer to separate guidance.

(Holding the Executive to account is a key OS function. An important method of achieving this is through the use of the call-in facility which allows for executive decisions to be scrutinised prior to their implementation)

Protocol for responding to Petitions. – Part 6 – Also refer to separate guidance.
These sections are reproduced at the Appendix to this guidance.

Please note that the Constitution is a 'live document', which is always under review, and therefore its detail may change from time to time.

**The Council's political management structure**

Overview and scrutiny forms part of the Council’s political management structure.

There are a number of elements to the structure, the most important of which are:

- **Full Council** - is made up of all 75 County Councillors. It decides on the budget, sets the policy framework for the Council, and agrees the Council’s Constitution.

- **The Cabinet** – forms the Council’s executive, and is made up of the Leader of the Council and nine other councillors who are known as Cabinet Members. Each Cabinet Member takes a lead on a specific area of work or ‘portfolio’. Collectively, either at meetings of the Cabinet or individually, they take decisions about all matters which are not the responsibility of another part of the Council. They are responsible, together with officers, for delivering the Council’s policies.

- **Overview and Scrutiny (OS)** – There are three overview and scrutiny committees in total:
  - Corporate Scrutiny Committee
  - People and Families Scrutiny Committee
  - Place Services and Economic Growth Scrutiny Committee

The function, roles and responsibilities of the OS committees are set out in Article 9 of the Constitution, and are reproduced at the Appendix to this Section. The procedure rules are set out in Part 4. However, care needs to be taken as they may change from time to time, and therefore direct reference to the most up to date Constitution should be made.

- **Health Overview and Scrutiny Committee (HOSC)** – The function, role and responsibilities of the HOSC committee is set out in Article 10 of the Constitution, and is reproduced at the Appendix to this Section. The procedure rules are set out in Part 4.

*NB: Task and finish groups may be appointed from time to time by the committees to carry out studies, work that cuts across the remit of more than one committee or group, or tasks which require more time than they can be given in the normal committee meetings.*

- **Audit Committee** - The role of overview and scrutiny is to review policy and challenge whether the executive has made the right decisions to
deliver policy goals. This is different from the role of the audit committee, which exists to provide independent assurance that there are adequate controls in place to mitigate key risks and to provide assurance that the authority, including the scrutiny function, is operating effectively. That said an audit committee’s judgements may well be informed by the results of scrutiny within the authority.

**Scrutiny Board** - Article 9 - refer to separate guidance.

**Non-executive committees** – such as the Development and Regulation Committee carry out a range of functions which by law cannot be undertaken by the Cabinet. They also include the Standards Committee, which is responsible for ensuring that the Council and its members conduct their business in accordance with the Members’ Code of Conduct and that high standards of probity are maintained throughout the Council.

**Officers** – are given delegated powers under the Council’s Constitution to make decisions about a range of both executive and non-executive functions.

All parts of the political management structure, including the Cabinet, non-executive committees, and overview and scrutiny committees have important roles to play and should seek to work together to achieve the common objectives set by the County Council. Scrutiny and the executive have different but complementary roles which are equally important.

Dated July 2013
EXTRACTS FROM THE CONSTITUTION RELATING TO THE
OVERVIEW AND SCRUTINY COMMITTEES, INCLUDING
PROCEDURE RULES
ARTICLE 9
OVERVIEW AND SCRUTINY COMMITTEES

9.1 Functions of the Overview and Scrutiny Committees

The Council will appoint the Overview and Scrutiny Committees set out in Article 9.5 below.

In relation to the functions and responsibilities listed, and any other matter at the request of the Scrutiny Board, the Committees have power:

(i) to review or scrutinise decisions made in connection with the discharge of Executive functions;

(ii) to make reports or recommendations to the Council or Cabinet with respect to the discharge of Executive functions;

(iii) to review or scrutinise decisions made in connection with the discharge of non-executive functions; and

(iv) to make reports or recommendations to the Council or to Cabinet on matters affecting the Council’s area or its citizens.

9.2 Membership

No Overview and Scrutiny Committee shall include any Member of the Cabinet.

A Deputy to a Cabinet Member may not serve on an Overview and Scrutiny Committee that scrutinises the work undertaken by that Cabinet Member.

No Member may be involved in scrutinising a decision in which he has been directly involved.

9.3 Chairmen of Overview and Scrutiny Committees

The Chairman of each Overview and Scrutiny Committee will:

(i) provide leadership of the relevant Overview and Scrutiny Committee;

(ii) facilitate and encourage the active involvement of all Members on the relevant Overview and Scrutiny Committee; and
(iii) promote a consensual, apolitical approach to the Committee’s activities.

9.4 **Roles and Responsibilities of the Overview and Scrutiny Committees**

The Overview and Scrutiny Committees, within their terms of reference, will:

(i) engage in policy review and policy development, with a focus on improvement and how it can best be achieved;

(ii) scrutinise decisions made or actions taken in connection with the discharge of the Council’s and the Cabinet’s functions;

(iii) scrutinise the performance of the Council and the Cabinet;

(iv) engage with the community and encourage community engagement;

(v) question and engage with Members of the Cabinet and/or Committees and Chief Officers;

(vi) look outwards and show community leadership by providing constructive challenge to other public bodies particularly those with whom the Council delivers services in partnership;

(vii) consider any matter affecting the area or its inhabitants;

(viii) consider any matters referred by full Council or Cabinet;

(ix) make recommendations to the Cabinet and/or Council arising from the outcome of the scrutiny process;

(x) take evidence from a senior Council Officer/Cabinet Member if requested by a petition supported by at least 2,000 signatures as specified in the Council’s Petitions Policy; and

(xi) develop and maintain a work programme.

Where an issue relates to the work of two or more scrutiny committees the Scrutiny Board shall determine by which committee or committees it shall be reviewed.

9.5 **The Overview and Scrutiny Committees**

Each Overview and Scrutiny Committee shall exercise the function of call-in of a decision made by a Cabinet Member which falls within its remit in order to consider whether:
(i) to refer the decision back to the person who made it; or

(ii) to refer the matter to the full Council to decide whether to refer the decision back to the person who made it.

9.5.1 Corporate Scrutiny Committee

Membership: 14 Members

- The overall strategic direction, policies and priorities of the Cabinet and of Council, including the overall corporate revenue and capital budget strategy of the Authority
- Financial Resources (revenue and capital), precepts and levies
- Community Leadership and Community Strategy
- Community Budgets and Essex Partnership Board
- Equalities and Diversity
- Policy and Strategy Team
- External and internal communications
- Customer services (Contact Centre, Member Enquiries)
- Capital Programme Governance
- Procurement and commercial services
- Asset management and Facilities Management
- Legal services
- Performance and Organisational Intelligence
- Essex Transformation Programme
- Audit and Risk
- Information services and technology
- Human Resources and employee services
- Business Support
- Essex Shared Services
- Property Strategy
- Traded services
- Emergency Planning

9.5.2 People and Families Scrutiny Committee

Membership: 18 members (including 4 statutory co-opted members voting on education issues only)

- Children’s Services and the Children’s Trust
- Children's social care
- Preventative services, including the development of community budgets for families with complex needs
- Corporate Parenting
- Children’s Centres and early years provision
- Youth offending
- Domestic Violence
- Schools and education
- Early years
- Transport for educational purposes
- Education welfare services
- Special Schools
- Special Education Needs provision, including specialist services in schools
- School improvement
- Youth services and careers advice
- Adult Community Learning
- Adult social care
• The support of and assistance of people with learning or physical disabilities or sensory impairment and older people and the homeless

• Safeguarding vulnerable adults

• Supporting people

• Lifetime disabilities

• Joint Commissioning and Contracting

• Support to carers

9.5.3 Place Services and Economic Growth Scrutiny Committee

Membership: 14 members

• Major infrastructure and major transport schemes relating to the Economic growth Strategy

• Economic development and regeneration

• Enterprise, international trade and inward investment

• Integrated County Strategy

• Skills and apprenticeships (including vocational centres, Train to Gain and Work Based Learning)

• Major Projects and Infrastructure (including highways capital programme)

• Tourism

• Broadband

• External funding programmes

• Strategic and local planning

• Waste and mineral planning

• Flood Management

• Development Management

• Heritage, Culture and the Arts
• Libraries
• Built Environment; and Historic Environment
• Natural Environment
• Country Parks
• Localism (including Locality Boards)
• Big Society (including Big Society revenue and capital fund)
• Rural affairs
• Relations with district, city and borough, parish and town councils
• Relations with the voluntary and community sector
• Countywide Traveller Unit
• Sustainable development
• Community Safety
• Highways maintenance (including bridleways, footpaths and byways), all car parking and road safety, traffic and vehicle regulation, school crossing patrols and public transport
• Passenger Transport
• Concessionary fares
• Cycling
• Waste disposal
• Recycling Centres for Household Waste
• The promotion of recycling and waste minimisation and the disposal of waste
• Energy and emissions reduction
• Trading standards
9.6 **Amending the Terms of Reference**

The terms of reference of the Overview and Scrutiny Committees reflect the details of the Cabinet Portfolios. The terms of reference will be routinely updated to reflect any changes made to the Portfolios.

9.7 **Proceedings of Overview and Scrutiny Committees**

Committees will conduct their proceedings in accordance with the Overview and Scrutiny Committee Procedure Rules contained within Part 4 of this Constitution.

9.8 **The Scrutiny Board**

A Scrutiny Board comprising the Chairmen of the Policy and Scrutiny Committees, the Executive Scrutiny Committee, the Health Overview and Scrutiny Committee and the Audit Committee and the Vice-Chairman of the Committee also chaired by the Chairman of the Scrutiny Board will oversee the Council’s overview and scrutiny functions.

The Board’s terms of reference are as follows.

(i) To have overall responsibility for the direction and management of the Council’s overview and scrutiny functions.

(ii) To ensure that overview and scrutiny activity reflects the aims of the Corporate Plan and adds value to the organisation, whilst recognising that on occasion Opposition Members may not support those aims.

(iii) To champion overview and scrutiny within the organisation and the community at large.

(iv) To co-ordinate the work of the Overview and Scrutiny Committees.

(v) To ensure the best use of the resources available for overview and scrutiny, including allocating membership of Committees.

(vi) To monitor the outcomes of recommendations of Overview and Scrutiny Committees and to ensure that all such recommendations are followed up.

(vii) To ensure that cross-cutting reviews are properly dealt with.

(viii) To keep Council informed of the work of overview and scrutiny.
(ix) To agree work methods and protocols for the Overview and Scrutiny Committees and to disseminate best practice.

(x) To raise issues with Cabinet Members, the Chief Executive and Leader as appropriate.

(xi) To raise issues with partners and outside organisations as appropriate.

(xii) The Chairman of the Board to be responsible to the Council for the effectiveness of the Scrutiny arrangements.
ARTICLE 10
HEALTH OVERVIEW AND SCRUTINY COMMITTEE

10.1 Health Scrutiny Committee

The Council will appoint a Health Overview and Scrutiny Committee to discharge the functions conferred on the Council by statute to review and scrutinise, and receive referrals in connection with, any matter relating to the planning, provision and operation of the health service in its area and such other matters as are identified in 10.3 below.

10.2 Membership

16 members (including up to 4 non-voting co-opted members appointed by, and at the invitation of, the Committee on the nomination of other Essex local authorities).

10.3 Roles and Functions

The Health Overview and Scrutiny Committee will have the following roles and functions:

(i) to review and scrutinise the totality of local services planned and provided including the work of the Health and Wellbeing Board as part of their wider responsibility to seek health improvements and reduce health inequalities for their area and its inhabitants;

(ii) to refer contested proposals for major service changes to the Secretary of State;

(iii) to scrutinise the social care services provided or commissioned by NHS bodies exercising local authority functions under section 31 of the Health Act 1999;

(iv) to review or scrutinise health services commissioned or delivered in the Council’s area within the framework set out below:

(a) arrangements to secure hospital and community health services to the inhabitants of the Council’s area;
(b) the provision of such services to those inhabitants;
(c) the provision of family health services, personal medical services, personal dental services, pharmacy and NHS ophthalmic services;
(d) the public health arrangements in the area; e.g. arrangements for the surveillance of, and response to, outbreaks of communicable disease or the provision of specialist health promotion services;
(e) the planning of health services, including plans made in co-operation with local authorities setting out a strategy for improving both the health of the local population and the provision of health care to that population; and
(f) the arrangements made by NHS bodies for consulting and involving patients and the public;

(v) to review and scrutinise the totality of local services including social services, planned and provided as part of their wider responsibilities to seek health improvements and reduce health inequalities; and

(vi) act as consultee to an NHS body within the remitted area on issues of:

(a) substantial developments of the health service in the Council’s area; and

(b) any proposals to make any substantial variation to the provision of such services.

(vii) to review and scrutinise:

(a) sport and the 2012 Games Legacy

(b) Registrars Service

(c) the Coroner’s Service.

10.4 Proceedings of the Health Overview and Scrutiny Committee

The Committee will conduct its proceedings in accordance with the Health Overview and Scrutiny Committee Procedure Rules contained within Part 4 of this Constitution.
19. OVERVIEW AND SCRUTINY COMMITTEE PROCEDURE RULES

19.1 Overview and Scrutiny Committees

The Council will establish the Overview and Scrutiny Committees set out in Article 9 and will appoint to them from time to time.

The Overview and Scrutiny Committees may be appointed for a fixed period upon the expiry of which they shall cease to exist.

19.2 Membership and Substitutes

Any Member, except Members of the Cabinet, may be a member of an Overview and Scrutiny Committee.

No Member may be involved in scrutinising a decision which he has been directly involved in taking.

A Deputy to a Cabinet Member should not serve on an Overview and Scrutiny Committee that scrutinises the work undertaken by that Cabinet Member.

Where possible named substitutes should be used for ongoing reviews. However, if a Member cannot obtain a named substitute then another Member can be a substitute.

All apologies for absence and substitutes must be notified to the Chairman and Committee Officer at least five minutes before the start of the meeting.

An Overview and Scrutiny Committee or Task and Finish Group may include persons who are not members of the authority, but such persons are not entitled to vote at any such meeting of the committee or group on any question which falls to be decided at that meeting.

19.3. Education Representatives

The Children and Young People Policy and Scrutiny Committee dealing with education matters shall include in its membership the following voting representatives:

(i) One Church of England diocese representative;
(ii) One Roman Catholic diocese representative; and
(iii) Two parent governor representatives.

The representatives shall not vote on matters other than those relating to education, though they may stay in the meeting and speak.
The Executive Scrutiny Committee will include the above representatives in their membership when dealing with education matters. The representatives may speak and vote on such matters.

19.4 Meetings

In addition to ordinary meetings, extraordinary meetings may be called from time to time as and when appropriate. An Overview and Scrutiny Committee meeting may be called by the Chairman, by any members of the committee or by the proper officer if he considers it necessary or appropriate.

19.5 Quorum

The quorum for an Overview and Scrutiny Committee shall be one quarter of the membership.

19.6 Chairmanship

At its annual meeting the Council shall elect a Chairman of each Overview and Scrutiny Committee.

The Leader of the Opposition shall be elected as Chairman of the Executive Scrutiny Committee.

19.7 Work Programmes

Overview and Scrutiny Committees will be responsible for setting their own work programme which exercises the functions as conferred by Section 21 of the Local Government Act 2000 and set out in Article 9 of this Constitution.

In doing so they shall take into account views of members of that committee who are not Members of the largest political group on the Council.

19.8 Agenda Items

Any member of an Overview and Scrutiny Committee or Task and Finish Group shall be entitled to give notice to the Proper Officer that he wishes an item relevant to the functions of the Committee or Task and Finish Group to be included on the agenda for the next available meeting of the Committee or Task and Finish Group. On receipt of such a request the Proper Officer will ensure that it is included on the next available agenda.

At each Overview and Scrutiny Committee meeting members of the relevant Overview and Scrutiny Committee can suggest additions for that Committee’s work programme.
The Overview and Scrutiny Committee will add the item to the agenda and may either:

(i) commission work to commence immediately;
(ii) request a scoping document to be prepared to assist the decision; or
(iii) reject the suggestion.

Any member can write to the Head of Scrutiny giving an outline of the item and issue to be scrutinised and the reasons. This will then be placed on the agenda of the next meeting of the Scrutiny Board for consideration for allocation to the appropriate Overview and Scrutiny Committee.

The Scrutiny Board may recommend that the item be:

(i) given priority over other items; or
(ii) placed on the pending list;

or the Scrutiny Board may reject the request.

19.9 Policy Review and Development

The role of Overview and Scrutiny Committees in relation to the development of the Council’s Budget and the Policy Framework is set out in detail in the Budget and the Policy Framework Procedure Rules.

In relation to the development of the Council’s approach to other matters not forming part of its Budget and the Policy Framework, Overview and Scrutiny Committees may make proposals to Cabinet insofar as they relate to matters within their terms of reference.

Overview and Scrutiny Committees may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so.

Overview and Scrutiny Committees conduct a scrutiny and/or policy review in seven stages, as follows:

- Stage 1 Developing the Work Programme
- Stage 2 Scoping the Inquiry
- Stage 3 Collecting evidence
• Stage 4  Considering Evidence
• Stage 5  Producing a report and communicating recommendations
• Stage 6  Receiving and dealing with feedback
• Stage 7  Monitoring.

19.10  Reports from Overview and Scrutiny Committees

Once it has formed recommendations on proposals for development, an Overview and Scrutiny Committee will prepare a formal report and submit it to the proper officer for consideration by the Cabinet (if the proposals are consistent with the existing Budget and the Policy Framework), or to the Council through the Cabinet if the proposals would require a departure from or a change to the agreed budget and policy framework.

If an Overview and Scrutiny Committee cannot agree on one single final report to the Council or Cabinet, as appropriate, then up to one minority report may be prepared and submitted for consideration with the report.

The Council or Cabinet shall consider the report of an Overview and Scrutiny Committee within one month of it being submitted to the Proper Officer or at the next available meeting.

19.11  Consideration by the Cabinet

Where an Overview and Scrutiny Committee prepares a report for consideration by the Cabinet in relation to a matter where the Leader or the Council has delegated decision making power to another Cabinet Member, then the Overview and Scrutiny Committee will submit a copy of their report to him for consideration. At the time of doing so, the Overview and Scrutiny Committee shall serve a copy on the Proper Officer. The Cabinet Member must consider the report and respond in writing to the Overview and Scrutiny Committee within four weeks of receiving it. A copy of his written response to it shall be sent to the Proper Officer and the Leader. The Cabinet Member will also attend a further meeting of the Overview and Scrutiny Committee to present his response.

Only one report every month may be submitted by each Overview and Scrutiny Committee to the Cabinet.

19.12  Attendance of Members and Officers

An Overview and Scrutiny Committee may require any Member of the Cabinet or senior officer to attend before it to explain in relation to matters within their remit:
i) any particular decision or series of decisions; and
ii) the extent to which the actions taken implement Council policy.

A petition supported by at least 2,000 signatures may require a specified senior Council Officer or Cabinet Member to give evidence at a public meeting of the appropriate Overview and Scrutiny Committee.

It is the duty of those persons to attend if so required.

Where any Member or officer is required to attend an Overview and Scrutiny Committee under this provision, the chairman of that committee will inform the Proper Officer. The Proper Officer shall inform the Member or officer in writing giving reasonable notice of the meeting at which he is required to attend. The notice will state the nature of the item on which he is required to attend and whether any papers are required to be produced for the committee. Where the account to be given to the committee will require the production of a report, then the Member or officer concerned will be given sufficient notice to allow for preparation of that documentation.

Where, in exceptional circumstances, the Member or officer is unable to attend on the required date, then the Overview and Scrutiny Committee shall in consultation with the Member or officer arrange an alternative date for attendance to take place within a maximum of seven days from the date of the original request.

19.13 Attendance by Others

An Overview and Scrutiny Committee may invite people other than those people referred to in paragraph 19.12 above to address it, discuss issues of local concern and/or answer questions.

19.14 Call-In

(i) Call-in should only be used in exceptional circumstances. Day-to-day management decisions or routine operational decisions should not be subject to call-in.

(ii) Any Overview and Scrutiny Committee may call-in a decision made by a Cabinet Member which falls within its remit. A member of the Overview and Scrutiny Committee may call-in a decision by notifying the Proper Officer in writing.

(iii) Where a decision is made by the Cabinet or an individual Cabinet Member the decision shall be published (including where possible by electronic means) and shall be available at the main offices of the Council within three clear working days of
being made. Members of the relevant Overview and Scrutiny Committee shall be sent copies of the notice of all such decisions also within three clear working days.

(iv) The notice publishing such decision shall bear the date upon which it is published and will specify that the decision will come into force and may then be implemented on the expiry of three clear working days after publication unless called in.

(v) During the period specified in (iv) above, the proper officer shall call in the decision for scrutiny by the relevant Overview and Scrutiny Committee, if so requested in writing by a member of that Committee. The member will set out in writing the reasons for calling in the decision. The proper officer shall then call a meeting of the Committee on such date as he decides (where possible after consultation with the Chairman of the Committee) and in any case within ten clear working days of the request to call in.

(vi) On receipt of a notice of call-in the Governance Officer will:

(a) arrange for the notice to be acknowledged in writing;
(b) for the decision taker to be formally notified in writing of the receipt of a notice of call-in; and
(c) for the Chairman of the Overview and Scrutiny Committee to be informed where the Chairman is not a party to the call-in.

(vii) Prior to the meeting of the Committee arranged under (v) above, the Chairman may, with the agreement of the Member calling the matter in, arrange an informal meeting between him, the Member calling in the decision and the decision taker to discuss the issue.

(viii) Where the call-in has been made as the result of representations from a Member who is not a member of the Committee, that Member will be invited to attend the informal meeting. The Governance Officer will attend the informal meeting and will within 24 hours produce a note for circulation to all parties to the meeting for approval.

(ix) Where at the informal meeting stage assurances are given by, or agreements reached with Cabinet Members, then those assurances or agreements must subsequently be confirmed in writing.

(x) A report of any call-ins that are withdrawn as a result of an informal meeting will be included on the Agenda for the next meeting of the Committee.
(xi) If the call-in is not withdrawn as a result of the informal meeting or an informal meeting is not held it will go to the Committee. The Committee should meet within 10 clear working days of the notice of call-in. Wherever possible scheduled meetings of the Committee will be used. Where this is not possible the Governance Officer will liaise with the parties concerned and the Group Spokespersons on the Committee to arrange a special meeting.

(xii) The Governance Officer will liaise with the parties concerned on behalf of the Chairman of the Committee to ensure that all those with a reasonable interest in the decision have an opportunity to be represented at the meeting, including any Member whose representations have led to the call-in.

(xiii) Having considered the decision, the Committee may refer it back to the decision taker setting out in writing its concerns or refer the matter to the full Council also with a record of its concerns. Upon a referral to a decision taker, the decision shall be reconsidered within five clear working days amending the decision or not before adopting a final decision.

(xiv) If the Committee does not refer a decision to either the decision taker or the Council, the decision shall take effect at the conclusion of the meeting of the Committee.

(xv) Following consideration of a call-in by the Committee, the Governance Officer will liaise with the Chairman and Group Spokespersons to agree the formal notification of its decision to go to the interested parties and, if the call-in is referred to Council, to agree the wording of the report to Council.

(xvi) If, following a reference of a decision from an Overview and Scrutiny Committee, the Council objects to that decision it will be referred to the decision taker together with the Council’s views. The decision taker will reconsider the decision within five clear working days deciding whether or not to amend the decision before implementing it.

(xvii) If the Council does not refer a decision to a decision taker then the decision shall take effect at the conclusion of the meeting of the Council.

(xviii) A request to call-in a decision may be withdrawn at any time by those making the request.

(xviii) The call-in procedure set out above does not apply where the decision being taken is urgent. A decision is urgent if any delay is likely to prejudice the Council’s, the public’s or individuals’ interests. The record of a decision and the notice
by which it shall be made public shall state whether in the opinion of the decision taker (if an individual) or the Leader of the Council it is an urgent one and therefore not subject to call in. The Chairman of the Council must agree both that the decision proposed is reasonable and that it should be treated as a matter of urgency. In the absence of the Chairman the Vice-Chairman's agreement is required. In the absence of both, the agreement of the Head of the Paid Service (or his nominee) must be obtained. Decisions taken as a matter of urgency shall be reported to the next available meeting of the Council together with the reasons for urgency.

All parties will be advised of this procedure each time an executive decision is called in.

19.15 Task and Finish Groups

Committees may appoint sub-committees known as Task and Finish Groups to which political proportionality need not be applied.

No member of Cabinet shall be appointed as a member of a Task and Finish Group.

A decision on whether a policy and scrutiny review will be carried out by the Committee or a Task and Finish Group will be made as part of the work on the scoping document.

The Committee may make a decision about the make-up of the group or volunteers sought subsequently.

Reports of Task and Finish Groups are developed by the Governance Officer in consultation with its Chairman and approved by the full group.

Where it is not possible to reach a consensus, attempts will be made to reflect minority views within the report but there is no provision for minority reports.

Task and Finish Group reports shall be reviewed by the commissioning committee which will decide whether to ratify the findings and/or recommendations.

Paragraphs 19.12 (Attendance of members and officers) and 19.13 (Attendance by others) shall apply to Task and Finish Groups in the same way as they apply to Committees.
20. HEALTH OVERVIEW AND SCRUTINY COMMITTEE PROCEDURE RULES

20.1 Health Overview and Scrutiny Committee

The Health Overview and Scrutiny Committee is a statutory body whose functions are determined by Government guidance, and the roles and functions are contained in Article 10.

The Health Overview and Scrutiny Committee may form a joint committee with any other Health Overview and Scrutiny Committee appointed at another local authority.

20.2 Membership and Substitutes

Any Member, except a Member of Cabinet, may be a Member of the Health Overview and Scrutiny Committee, or Overview and Scrutiny Panel.

No Member may be involved in scrutinising a decision which he has been directly involved in taking.

Deputies to Cabinet Members should not serve on a Health Overview and Scrutiny Committee that scrutinises the work undertaken by that Cabinet Member.

Where possible named substitutes should be used for ongoing reviews. However, if a Member cannot obtain a named substitute then another member can be substituted.

All apologies for absence and substitutes must be notified to the Chairman and Governance Officer at least five minutes before the start of the meeting.

A Health Overview and Scrutiny Committee and Panel may include persons who are not Members of the Council, but any such person is not entitled to vote at any such meeting of the Committee or Panel on any question which falls to be decided at that meeting.

20.3 Chairmanship

At its annual meeting the Council shall elect a Chairman of the Health Overview and Scrutiny Committee.

The Chairman of the Overview and Scrutiny Panel shall be determined by the principle of majority interest, but where a multiplicity of local authorities is involved, the decision will rest with the Committee involved.
20.4 **Meetings**

In addition to ordinary meetings, extraordinary meetings may be called from time to time as and when appropriate. A Health Overview and Scrutiny Committee meeting may be called by the Chairman, by any members of the committee or by the proper officer if he considers it necessary or appropriate.

The Health Overview and Scrutiny Committee and Panels will conduct its business in accordance with the Standing Orders of the Council and the Access to Information Procedure Rules as contained within Part 4 of this Constitution.

Each meeting shall be held in public unless the nature of the business is such that the press and public must be excluded or the Committee or Panel determine that the press or public should be excluded in accordance with the Access to Information Procedure Rules.

20.5 **Quorum**

The quorum for a Health Overview and Scrutiny Committee shall be one quarter of the membership.

20.6 **Work Programmes**

The Health Overview and Scrutiny Committee will be responsible for setting its own work programme and in doing so shall take into account views of members on the Committee who are not Members of the largest political group on the Council.

20.7 **Attendance of Members and Officers**

A Health Overview and Scrutiny Committee or Panel may require any Member of the Cabinet or senior officer to attend before it to explain in relation to matters within their remit:

(i) any particular decision or series of decisions; and  
(ii) the extent to which the actions taken implement Council policy;

and it is the duty of those persons to attend if so required.

Where any Member or officer is required to attend a Health Overview and Scrutiny Committee or Panel under this provision, the Chairman of the Committee will inform the Proper Officer. The Proper Officer shall inform the Member or officer in writing giving reasonable notice of the meeting at which he is required to attend. The notice will state the nature of the item on which he is required to attend to give account and whether any papers are required to be produced for the
Committee. Where the account to be given to the Committee will require the production of a report, then the Member or officer concerned will be given sufficient notice to allow for preparation of that documentation.

Where, in exceptional circumstances, the Member or officer is unable to attend on the required date, the Health Overview and Scrutiny Committee or Panel shall in consultation with the Member or officer arrange an alternative date for attendance to take place within a maximum of seven days from the date of the original request.

**20.8 Attendance by Others**

A Health Overview and Scrutiny Committee may invite people other than those people referred to in paragraph 20.7 above to address it, discuss issues of local concern and/or answer questions.

**20.9 Overview and Scrutiny Panels**

A Health Overview and Scrutiny Committee may appoint one or more sub-committees known as an Overview and Scrutiny Panel(s), and may arrange for the discharge of any of its functions by any such Panel.

The Overview and Scrutiny Panel shall be responsible for each Scrutiny Study and may be supported by officers.

The Panel shall submit their reports to the relevant Committee.

The Panels will comprise of five or six Members and in exceptional cases, may consist of the full Health Overview and Scrutiny Committee.

All non-executive Members in the Statutory Authorities, Boroughs and Districts are eligible to serve on a Panel.

**20.10 Guidance for Investigation and Reporting (specifically applying to Overview and Scrutiny Committees and their Panels)**

All reports will be researched and evidence based. They will contain details of objectives, methodology, evidence and a discussion-based formula, with a formal section for recommendations for action. This applies whether reports are produced in-house or via an external consultant or body.

The objectives of the report and the evidence to be required of the NHS or any local government department will be discussed with the NHS or relevant local authority departments before any decisions are finalised.
Evidence sought from the public will include contributions from the Patient Advice and Liaison Services (PALS) and LINKS, in addition to the general public, by means of a public notice. Other groups might be invited as appropriate.

Matters related to named patients’ treatment or to named staff must be excluded from Panel or Committee reports. The scrutiny process does not take the place of an individual complaints procedure or as an alternative to making a formal complaint.

Recommendations produced at the end of a scrutiny study will be submitted to the relevant Committee(s) and then to a relevant NHS body or bodies and other appropriate bodies. NHS bodies have a statutory obligation to send their response to the Committee(s) within a 12-week consultation period.

20.11 Health Service Variations

The Committee fulfils a strategic role, looking at major issues which affect the whole or large parts of the County.

Any service variations proposed by a health body covering an area wholly or partly within the county boundary of Essex will be considered in the first instance by the Secretary of the Essex Health Overview and Scrutiny Committee. That officer has been deputed by the Health Overview and Scrutiny Committee to act as its ‘gatekeeper’. The Health Overview and Scrutiny Committee have agreed that variations will be handled in one of the following ways:

(i) referred to Essex Health Overview and Scrutiny Committee;

(ii) referred to joint Health Overview and Scrutiny Committee of Essex and other appropriate Health Overview and Scrutiny Committees;

(iii) referred to an appropriate Overview and Scrutiny Committee of the Council; or

(iv) responded to by the Secretary of the Health Overview and Scrutiny Committee and handled as a non substantial variation not requiring a Member decision under the terms of the health scrutiny legislation. Any action taken under this heading is reported to the Essex Health Overview and Scrutiny Committee quarterly for information.

Any service variation requiring consideration across the East of England region will be considered by a Joint Overview and Scrutiny Committee set up under terms of reference agreed by the Regional Health Chairs Forum.
Any joint committee set up under this paragraph has the associated delegated powers provided to it by its appointing authority to act on behalf of its constituent authorities.
Health scrutiny is different in character from the Council’s other scrutiny activity in that

- Its focus is primarily outward towards other health service bodies (although it can scrutinise the Council’s discharge of its health responsibilities and the Health and Wellbeing Board)
- Its statutory basis is distinct from that of other scrutiny activity.
- It has the benefit of statutory and non-statutory guidance which is peculiar to health scrutiny

Draft guidance from the Department of Health confirms that the overview and scrutiny of health is an important part of the Government’s commitment to place patients at the centre of health services. According to the Department ‘It is a fundamental way by which democratically elected local councillors are able to voice the views of their constituents and hold commissioners and providers of health services to account’. The Department suggest that through scrutiny local authorities can reduce health inequality, support and promote health improvement and enable integration and better partnership working. Robust health scrutiny should ensure that the quality of service is maintained and work as an early warning system through which quality issues can be challenged.

According to the Department health scrutineers should focus on whether

- The planning and operation of health services take account of local issues
- Health services are of a high quality and meet the needs of local people
- All sections of local community have equal access to health services
- All sections of community have equal chance of successful outcome
- Proposed changes meet the needs of local communities
- Service delivery partners work together to secure greater integration

The Department go on to say that the Government is committed to increasing local democratic legitimacy in health and that strengthening health scrutiny is one aspect of this. Commissioners have difficult financial decisions to take and it is important that such decisions are grounded with effective local accountability. They believe that the role of health scrutiny will become more important and may require the adoption of different practices such as more joint working across boundaries or closer working with commissioning bodies.
After the 1st April 2013 the Council’s statutory responsibility to scrutinise health continues but the Council has discretion as to whether this is done through the existing HOSC (which was established as a result of a specific statutory requirement) or some other arrangement such as those set out above. Accordingly health could be covered within the work of People and Families Scrutiny Committee or through the Scrutiny Commission Structure. HOSC currently benefits from having district council representatives amongst its membership. This could continue under either the People or the Commission approach and could be of benefit to other reviews.

Alternatively, and while accepting the need in the medium or longer term to review health scrutiny and its relationship with whatever new arrangements the Council has introduced for the scrutiny of other services, there may be benefits in continuing the existing Health Overview and Scrutiny Committee with its current constitution and terms of reference for the immediate future as:

- The reorganisation of the health service from 1st April 2013, however sound in principle, inevitably brings with it some transitional risks to services.
- The Francis Report identifies the failure of the Stafford and Staffordshire HOSCs to engage with the problems at Mid Staffs Hospital and makes recommendations to HOSCs (as to ensuring they have adequate and appropriate support) and the Secretary of State (as to issuing guidance and increasing the powers of HOSCs).

Against this background it is felt that in the short term, the existing HOSC would be better placed to respond to any issues emerging than would a new committee with wider responsibilities. There is no reason why the existing HOSC could not continue with substantially its existing constitution and terms of reference.

HOSC should not be confused with the Health and Wellbeing Board which the Council is required to establish from 1st April. The Board is a committee of the Council with the statutory role of ensuring integrated health provision across commissioners and providers. HOSC (if it continues as a freestanding committee) is a scrutiny committee of the Council with no responsibilities beyond scrutiny. The Board and HOSC will need to be mindful as to their precise roles to avoid confusing what is already a complex sector.

The Department advise that health scrutiny will need to develop mechanisms to work effectively with the local authority’s health and wellbeing board. These will provide a forum for local authorities including councillors and clinical commissioners to work together with local communities to understand needs and develop shared strategies. These will focus on how the collective resources available across the local authority and the NHS can best be invested to improve services. Through their scrutiny functions local authorities will be able to scrutinise the work of the health and wellbeing board.
Guidance suggests that health scrutiny will need to draw on the expertise and advice of the board when considering proposals for service change to ensure that they are aligned with the joint strategic needs assessment (JSNA) and the joint health and wellbeing strategy (JHWS). It is likely that the chairmen of the Board and Health Scrutiny will need to have regular discussion of priorities. In some models it is anticipated that the scrutiny chairman will attend Board meetings as an observer.

Health scrutiny will also need to develop close working relations with local Healthwatch which will be established from 1st April in each area to give communities a stronger voice in health service provision. This might include consulting Healthwatch on reviews before their commencement, seeking their support in identifying relevant information, co-opting them on to the review or inviting them to become witnesses.

An example demonstrating how the Health and Wellbeing Board, Healthwatch and health scrutiny might complement, rather than duplicate, one another, based on the scenario of the JSNA indicating a need for integrated health and social care teams aligned with GP practices may be helpful:

<table>
<thead>
<tr>
<th>Health and Wellbeing Board (HWB)</th>
<th>The Board has a duty to support integrated services and, reflecting on the Joint Strategic Needs Assessment (JSNA), decides to include integrated teams as a priority in Joint Health and Wellbeing Strategy.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local Healthwatch</td>
<td>Undertakes local research about what people who use services are looking for, identifies gaps in service provision and feeds the outcomes into the HWB to influence the JSNA</td>
</tr>
<tr>
<td>Council health scrutiny</td>
<td>Examines the process in the light of councillors’ knowledge of their local area and makes recommendations about how the people who use services, especially vulnerable groups, can be informed about service changes. Six months after changes it assesses their impact and considers improvements.</td>
</tr>
</tbody>
</table>

The Frances Report on Mid Staffs NHS Trust recommended that:

‘Scrutiny committees should be provided with appropriate support to enable them to carry out their scrutiny role, including easily accessible guidance and benchmarks’.
The Health and Wellbeing Board will be supported by a senior policy adviser who will commission other research and statistical work as required. This capacity will also be available to scrutiny to ensure that the board and scrutiny have access to the same data and that the specification suggested above by Frances is met.

Dated July 2013
The County Council has established a Scrutiny Board as part of its political management structure. Article 9.8 of the Council’s Constitution states:

‘9.8 The Scrutiny Board

A Scrutiny Board comprising the Chairmen of the Policy and Scrutiny Committees, the Executive Scrutiny Committee, the Health Overview and Scrutiny Committee and the Audit Committee and the Vice-Chairman of the Committee also chaired by the Chairman of the Scrutiny Board will oversee the Council’s overview and scrutiny functions.

The Board’s terms of reference are as follows.

I. To have overall responsibility for the direction and management of the Council’s overview and scrutiny functions.

II. To ensure that overview and scrutiny activity reflects the aims of the Corporate Plan and adds value to the organisation, whilst recognising that on occasion Opposition Members may not support those aims.

III. To champion overview and scrutiny within the organisation and the community at large.

IV. To co-ordinate the work of the Overview and Scrutiny Committees.

V. To ensure the best use of the resources available for overview and scrutiny, including allocating membership of Committees.

VI. To monitor the outcomes of recommendations of Overview and Scrutiny Committees and to ensure that all such recommendations are followed up.

VII. To ensure that cross-cutting reviews are properly dealt with.

VIII. To keep Council informed of the work of overview and scrutiny.
IX. To agree work methods and protocols for the Overview and Scrutiny Committees and to disseminate best practice.

X. To raise issues with Cabinet Members, the Chief Executive and Leader as appropriate.

XI. To raise issues with partners and outside organisations as appropriate.

The Chairman of the Board to be responsible to the Council for the effectiveness of the Scrutiny arrangements.’

General

The Monitoring Officer 2013 review of scrutiny (considered by the Board at its meeting on 16 April 2013) commented on the role of the Board in the following terms:

‘Although the Scrutiny Board is included in the Council’s constitution its role is informal rather than formal. It is not a committee and cannot take decisions on behalf of the Council or direct the other scrutiny committees as to their work. Its informal leadership role flows from the fact that it includes, and builds consensus amongst, all the scrutiny chairmen. Its terms of reference are extensive and it may be helpful for the Board to clarify its main purpose. This is:

- Developing, sustaining and monitoring a scrutiny programme that is focussed on the Council’s priorities
- Fostering effective relations with the Executive
- Monitoring scrutiny outcomes and
- Raising the profile and appreciation of scrutiny amongst members and the community.’

Dated July 2013
Overview and Scrutiny Handbook:

Essex County Council
Protocol For Working Arrangements Between
The Cabinet And Overview And Scrutiny Committees

The following ‘Protocol for Working Arrangements between the Cabinet and Overview and Scrutiny Committees’ was noted by the full Council on 15 October 2013 prior to its implementation.

The Protocol

Principles of Overview and Scrutiny

Legislation and government guidance require overview and scrutiny committees (OS) to play an integral role in councils’ delivery of service improvement. OS should enhance councils’ corporate governance by ensuring that non-executive members are contributing to the improvement of services for residents and that the executive is subject to non-partisan constructive challenge.

OS is a member led process. Its success or otherwise will depend on the executive’s ability to establish and sustain an effective working relationship between its OS committees and their Chairmen and Cabinet Members. The legislation includes provisions setting out what OS may expect from the executive, and the Council’s Constitution describes how some aspects of that relationship will operate in Essex.

The relationship between the OS, cabinet, and senior management is complex. OS must be in a position to provide effective challenge to the organisation but cannot do so without the positive and practical co-operation of cabinet members and senior managers who must be prepared to respond constructively to the challenge offered by OS.

Scrutiny councillors and officers should maintain their independence but must at the same time develop a constructive relationship with the cabinet if the full benefits of the OS process are to be realised. The cabinet remains solely responsible for the determination of the policies and priorities of the council and executive decisions and senior managers and staff will deliver these on their behalf. However, the role of scrutiny as a challenge to the exercise of the executive’s power and the value that this can bring to the council as a whole must be agreed, safeguarded and promoted. At the same time, OS must arrange its business in such a way as to be able to deliver these potential benefits. Once agreed it is critical to the effectiveness of a council’s OS function that roles and responsibilities are observed and respected. Failure to
do so will mean that resources are wasted, reviews are ineffectual in terms of outcomes, and ultimately the positive role that OS may fulfil is undermined.

Detailed guidance on the Council’s OS processes and procedures, including topic selection and managing OS projects, has been published separately.

**Protocol**

The aim of this protocol is to set out and agree good practice to ensure an open, trusting and non-partisan relationship between Cabinet Members and senior OS members in order to deliver focused and transparent policy development and scrutiny. It highlights the key roles and responsibilities of the OS Committees and Cabinet. The protocol will contribute to more effective OS work programming and outcomes and, in doing so, enable the Committees to influence Council activity in a meaningful way.

1. **What the Cabinet can expect from Overview and Scrutiny**

- OS will offer constructive challenge to the Cabinet having regard to the Council’s budget framework, and provide non-partisan checks and balances to secure maximum benefits for the Essex community.

- OS will ensure that its work programmes are targeted appropriately so that they are able to complement the Council’s and partners’ other improvement processes in order to add value to them. OS Committees will engage with the Cabinet and other appropriate parties in determining items for inclusion in a committee’s work programme.

- OS will engage with appropriate officers and portfolio holders in the development of the methodology and scopes adopted for the consideration of specific projects and will have a mind to the impact that these investigations will have upon the resource commitments of the specific services.

- OS will ensure that at all times councillors and senior officers are kept informed of its deliberations in order to ensure that there are ‘no surprises’ as the result of investigations.

- OS will endeavour to ensure that the recommendations it makes following investigation are SMART (Strategic, Measurable, Achievable, Realistic and Timed). These recommendations will be discussed with appropriate officers and portfolio holders as part of the preparation of a final report.

- OS will endeavour, while acting as a critical friend of the Cabinet, to provide an effective means of championing the interests of the council and residents through its activities.
• OS accepts that once a scrutiny report is agreed by a Committee, it is for the relevant Cabinet Member to decide what further investigations, consultations and reports are required before being in a position to consider his/her response to a review’s recommendations.

• OS accept that on certain issues the Cabinet and Cabinet Members need to take urgent action and in such cases the opportunity for consultation with scrutiny will be limited. Where such a need arises the cabinet member will brief the appropriate scrutiny chairman.

2. What Overview and Scrutiny Committees can expect from the Cabinet

• The Cabinet will respect the independence of OS.

• The Cabinet and senior management will recognise the value that OS can add to service improvement and will ensure that appropriate referrals are proposed for specific investigations.

• The Cabinet will publish a rolling twelve month executive work programme, updated monthly, to indicate when policies are to be reviewed and when decisions are planned to be taken. This will facilitate timely involvement by scrutiny in emerging policy decisions, and reflect the principle that OS should be given adequate opportunity to comment before executive decisions are taken.

• There will be a regular dialogue during which the Cabinet Member will share with the relevant Scrutiny Chairmen their plans for their portfolio and give early notice of new developments, policy reviews and decisions in order to determine the best way for the OS Committees to add value. Given the wide remits of the OS Committees, topic selection will be critical in the consideration of work programmes with priorities having to be determined, and it will not be possible for all matters to be scrutinised. Having considered the comments of the Cabinet Member OSC committees will determine their work programmes.

• At the invitation of an OS Committee Cabinet Members will participate in the evidence gathering process, the consideration of emerging findings, and the deliberation on recommendations. Cabinet Members will be informed at an early stage about scrutiny reviews that are being established to look at issues within their portfolio, and about possible dates for attending a meeting for the purpose of giving evidence. The notice given should be sufficient to enable the production of any documentation
or report that may be required. Any report and discussion will be in the public domain unless the provisions relating to exempt information apply.

- Cabinet Members will attend OS Committee meetings when invited to give evidence, respond to questions, respond to the outcomes of reviews or update the committee on work falling within their executive portfolio. They may also attend meetings that are considering scrutiny issues within their area. If a Cabinet Member wishes to attend a meeting in other circumstances, it should be as an observer. In each case seating arrangements will reflect the role they are playing.

- Following approval of a scrutiny report it will be formally submitted to the Cabinet Member for consideration of any OS Committee recommendations. Under the Constitution the Cabinet Member will within one month of it being received, acknowledge its receipt and give an indication of the likely timescale for the preparation of a response. In due course the Cabinet Member will provide a response to the Committee setting out the executive view of the recommendations made, the reasons for any recommendations being rejected or accepted and, where appropriate, the timescale for the implementation of any proposed action in respect of the topic considered.

- Any representation made by a Scrutiny Committee, and the Cabinet Member’s response, will be included in any subsequent report considered by the Cabinet or Cabinet Member. When Scrutiny Committee comments are included in a cabinet report, the Scrutiny Committee Chairman shall be invited to attend the Cabinet to present their Committee’s comments.

3. Supporting Activity

To secure the implementation of this proposal there will be regular meetings between OS Chairman, Vice Chairmen, and Cabinet Members to discuss development of the work programme, to confirm progress on on-going projects, to discuss in-year referrals, and to identify problem areas.

If difficulties arise in the operation of this protocol they shall be referred by the Cabinet or the Scrutiny Board to the Corporate Governance Steering Group.
The following is an overview of the role of an overview and scrutiny member.

‘The Scrutineer’

Fundamentally ‘overview and scrutiny’ (OS) is about making a difference and improving the lives of the people who live and work within a council’s area. However, the role of a scrutineer is often viewed with some misgiving because its ‘power’ lies in its ability to influence rather than the delegated powers of a Cabinet Member that includes the ability to make decisions. The onus is upon a council’s scrutineers to fulfill their OS role as intended by legislation by developing effective ways of working that result in beneficial outcomes.
The term ‘scrutineer’ is still evolving in relation to OS in the UK. ‘In general, a scrutineer is a person who observes any process which requires rigorous oversight, either to prevent the occurrence of corruption or genuine mistakes. It is most commonly known as part of voting and an election where the scrutineer observes the counting of ballot papers, in order to check that election rules are followed. There are other uses of the concept, such as in motorsport, when a scrutineer is responsible for ensuring that vehicles meet the technical regulations.’ (Ref Wikipedia)

The Local Government Information Unit has developed an annual award around the role of the scrutineer that goes some way towards explaining in more practical terms what is being expected of the modern OS councillor:

LGIU Awards: Councillor Achievement Category for ‘Scrutineer of the Year’

‘Scrutiny is fundamental to accountability and decision making; to ensure that the right decisions are made for communities and highlight where things may be done differently. The councillors involved in this are key to the process – as chairs and members of committees or by being part of scrutiny reviews and policy development.

The councillor who wins this category will demonstrate:

- the ability to hold to account and an understanding of where it is appropriate to do so
- that they are meticulous in preparation – this councillor knows their facts and when it is appropriate to bring them up
- actions on the scrutiny committee have led to better outcomes for the community – for example, brought about a scrutiny review or policy change.’

Reproduced from the Local Government Information Unit website: www.lgui.org.uk/scrutineer-of-the-year

Membership of the Overview and Scrutiny Committees

OS has been an important part of the Government's drive to modernise local government, and is at the heart of a councillor's role as an elected representative.

The Centre for Public Scrutiny has developed four core principles of good scrutiny, namely:

- It provides ‘critical friend’ challenge to executive policy-makers and decision-makers.
- It enables the voice and concerns of the public.
- It is carried out by ‘independent minded governors’ who lead and own the scrutiny role.
- It drives improvement in public service.

OS committees play an important part in promoting a Council’s transparency and accountability.

The membership of an OS committee is made up of elected councillors (more often referred to as ‘members’), who do not have executive responsibilities on the council. Some committees may also have other people among its membership, who are referred to as co-opted members (or sometimes called ‘co-optees’), who are not councillors.

**Councillors**

Councillors from all political groups have to be involved in conducting OS, and should strive to put party political considerations aside focussing instead on achieving best outcomes for the community. OS is an important mechanism for enabling councillors to represent the views of their constituents and other organisations to a council’s executive ie the Cabinet at Essex County Council, and to ensure that these views are taken into account in the development of policy.

The membership of an OS committee is drawn from those councillors who are not members of the Executive, and are often referred to as non-Executive members or backbenchers.

The places on the committees are shared between the political parties with seats on the Council. The seats are allocated in proportion to the number of seats each party holds on the Council as a whole. The membership of each committee is proposed by the political groups and is ratified by full Council.

**Political Independence**

If OS is to be effective it must maintain and (to have the confidence of all county councillors and the public) be seen to maintain, an appropriate measure of separation from the Council’s political leadership and executive. Clearly there will always be limitations on such a principal. The political balance on the Council will always be the reality and, at the end of the day, the executive will take political decisions. However, within this scrutiny should be as independent and non-political as possible and the legislation precludes executive members being appointed to scrutiny committees.

**Statutory Education Representatives**

OS committees are required to deal with education matters under the Local Government Act 2000. Under the Overview and Scrutiny Committee Procedure Rules set out in the Essex Constitution there are four external voting representatives, who are full members of the committee that has
education either wholly or in part within its portfolio. They are eligible to speak on all matters within the committee’s remit and to vote only on all education related issues.

**Co-opted Members**

Aside from the specific arrangements around statutory education representatives, non-councillors may be co-opted by OS committees either on an ongoing basis or for individual reviews. Co-opted members of an OS committee do not have voting rights, although there a power in the Local Government Act 2000 to enable the Council to make a voting rights scheme for co-opted members.

With or without voting rights, co-opted members may participate in scrutiny as equal committee members. They have access to the same information and can fully contribute to discussions, questioning and making recommendations in scrutiny reports.

Co-opted members can bring diverse resident or community perspectives to the scrutiny process. They can act as a representative of an interest group or community for a review. This is of major benefit to helping scrutiny engage with the public and help the committee’s engagement with excluded communities.

Another important use of appointing co-opted members is the ability to have an external ‘expert’ on a committee. Expert co-opted members can be particularly useful when there may be some misperception of what the Council is seeking to achieve or to give an independent perspective.

Co-option may be used as a way of involving organisations with a long-term working relationship with the Council as a source of external expertise.

Health scrutiny is an area where co-option is particularly appropriate because of the wide range of patient support, and independent sector projects in the field. (See separate section on ‘Health Overview and Scrutiny’)

**External Advisers or Consultants**

Committees can invite advisers to join them. They may be appointed on a permanent basis or be invited to particular meetings. They have an informal role and are not full members of the committee. Advisers can offer particular support to the chairman and support officers by suggesting appropriate lines of inquiry, identifying relevant research and evidence, suggesting possible witnesses and even helping to draft reports.

**Substitutes**

The Constitution provides for those members unable to attend a committee meeting to arrange for a substitute. However, substitutes are discouraged for working group meetings because of the nature of the work being undertaken.
The Role of the OS Member

In terms of role, members of OS committees:

- provide leadership and direction for scrutiny;
- are responsible for the outputs (ie what they actually do, and how that translates into what is produced) and outcomes of scrutiny (ie what is actually achieved by having reviewed an issue); and
- make recommendations based on their deliberations.

All committee members have an individual and collective responsibility to play an active part in scrutiny meetings by reading agenda papers, contributing to discussions, asking questions, suggesting lines of inquiry, assessing evidence, and producing recommendations. Overall the success or otherwise of a review is intricately linked to the contribution made by each individual member who should take a proactive and equal part in a review.

Four broad responsibilities of Members involved in OS are set out below:

- **Challenge**  Challenging how and why the Council or a partner under review delivers its services. However, this challenge should be in the form of a critical friend rather than aggressive or accusative manner.
- **Accountability** Being reliable, trustworthy, and not afraid to stand by decisions.
- **Community Leadership** Setting an example by showing strategic vision, working alongside each other, thinking corporately, and engaging with the community.
- **Pro-activity** Being forward thinking, innovative and open to new ideas, while continuing to develop knowledge away from the environment of a scrutiny meeting

A ‘Protocol for Members of Overview and Scrutiny Committees’ is set out at Appendix A, together with an outline of the role and responsibilities of a Member of Overview and Scrutiny Committee at Appendix B.

To assist understanding of the member’s role an outline of Officers’ expectations of members undertaking the Overview and Scrutiny Role is attached at Appendix C.

**Key Skills**

As already indicated the OS function relies on members accepting a more influencing role, similar to that of the Select Committees that operate in Parliament. This requires members to work in new ways with a new set of skills.

The key skills that a member will need to be successful in Overview and Scrutiny are:
• Project Planning - the ability to plan reviews, to select meaningful topics linked to the Council’s priorities, to establish programmes and to bring reviews to a conclusion taking into account resources and timescales.

• Team working - to be able to work effectively as a team with Members from other Political Groups as well as their own to achieve a common goal.

• Questioning skills - the ability to probe witnesses for information and ask the right questions without appearing overtly aggressive and avoiding interrogation of witnesses.

• Listening skills - to be able to listen to the information being put forward and the views of others whose views may differ from their own in order to be entirely objective and make evidence based recommendations

• Analytical skills - to be able to review and interpret data and information and reach conclusions

• Report writing skills - the ability to formulate clear and concise reports, explaining the reasons for your recommendations

• Chairing skills – aside from the Chairman of an OS Committee, a Member may be asked to lead a Task and Finish Group review. In that role the Member will need to work with the Scrutiny Officers to plan meetings, ensure that all Members are given an equal opportunity to contribute and are briefed, to ensure that meetings remain focused on achieving outcomes and to encourage all witnesses to fully engage in the OS process.

Member Development

It is accepted that serving as a scrutiny member or chairman requires particular competencies and OS members have identified this as an ongoing development need. OS training has featured in previous member development programmes and is something in which the Council must continue to invest in order to equip new and experienced members with the skills to undertake effective scrutiny and to contribute to the improvement and review of services, particularly in light of the transformation agenda. Such training should

• help members to understand the role of OS,
• give members an awareness of how their communication skills impact upon the effectiveness of scrutiny, and
• build confidence and develop the skills of individual members, which will in-turn strengthen the scrutiny committee as a collective.
Furthermore specific training will be provided for chairmen and vice-chairmen of committees with a view to developing and refining their chairing skills in relation to a scrutiny meeting.

For all members who sit on an OS committee there will be training sessions, which will include:

- The statutory background
- Where is it going/changing role of councils
- Why is it important/importance of effective scrutiny
- Questioning skills
  - Variety of questions e.g. open, closed, leading etc.
  - techniques of a good questioner
  - tone and how it affects questioning
- How to influence
- Listening skills and responding to witnesses
- Evaluating evidence
- Task and finish reviews

OS training will be mandatory for anyone sitting on a scrutiny committee as well as the chairing skills training for a chairman and vice-chairman.

Dated July 2013
Appendix A

Protocol for Members of Overview and Scrutiny Committees

Effective overview and scrutiny of the Council’s policies, decision-making and delivery of services is a legal requirement of non-executive councillors.

This Protocol seeks to clarify the standards of conduct expected of those councillors involved in the Council’s overview and scrutiny processes and give guidance to those councillors who are involved in this work.

Compliance to the following standards is required of all overview and scrutiny councillors and a breach of the standards will be referred in the first instance to the chairman of the overview and scrutiny committee:

1. The overview and scrutiny committees will conduct their business in a friendly and orderly way in order to maximise the participation of all members and facilitate constructive debate. In so doing, councillors will refrain from personal criticism of other councillors and officers, whatever their position in the Council.

2. Attendance by all councillors is important to ensure the democratic processes are achieved, all points of view are given and full discussion takes place with continuity of discussion and debate. Those councillors appointed to the overview and scrutiny committees and their groups will therefore be expected to give priority to attending scheduled meetings and activity days.

3. Individual councillors will be expected to uphold the highest standards of probity and integrity as laid down in the Member’s Code of Conduct and set out in the Council’s Constitution. They will use their powers of scrutiny in a manner worthy of the trust placed in them by the local people.

4. All councillors taking part in overview and scrutiny function should contribute to rigorous debate at committees which is analytical, challenging and constructive leading to conclusions which are clear, understandable and supported by well-argued reasons.

5. Overview and scrutiny councillors will act as Scrutiny Champions within the Council and be responsible for assisting and mentoring members of their Political Group.

6. All councillors will be expected to engage in all scrutiny learning and development opportunities provided by the Council in order to carry out their roles as effective scrutineers.
7. Individual councillors should make use of the Guidance Notes produced to assist them in their role as an overview and scrutiny member.
Appendix B

Overview of the role and responsibilities of a Member of an Overview and Scrutiny Committee

1. The role of the scrutineer

To participate in the activities of the Overview and Scrutiny Committee, delivery of its work programme and any associated task and finish groups.

2. Duties and responsibilities

Reviewing and developing policy

- To assist in the creation, development, improvement and refinement of Council policy.
- To challenge policies on a sound basis of evidence, for example, against legislation or agreed priorities.
- To assess impact of existing policy.

Monitoring performance and service delivery

- To monitor the performance of internal and external providers against standards and targets.
- To contribute to the identification and mitigation of risk.
- To investigate and address the causes of poor performance.

Promoting the work of Overview and Scrutiny

- To promote the role of Overview and Scrutiny inside and outside the Council, developing effective internal and external relationships.
- To demonstrate an objective and evidence based approach to overview and scrutiny.
- To add value to the decision-making and service provision of the authority through effective overview and scrutiny.

Community leadership

- To use Overview and Scrutiny as a means to address community issues and engage with the public.
- To encourage stakeholders to participate in the work of the authority.
- To develop locally viable and acceptable policy solutions.
- To build a dialogue around priorities, objectives and performance, among communities and stakeholders.
Meeting participation

- To make adequate and appropriate preparation for meetings through research and briefings.
- To participate in a proactive, informed and effective manner taking into account the Code of Conduct, Procedure Rules and other constitutional requirements.

Hold the Executive to account

- To evaluate the validity of Executive decisions and challenge inappropriate decisions through call in.

Skills Required

1. Good communication and interpersonal skills.
2. Ability to work constructively with members, officers, the public and outside organisations.
3. Ability to work as part of a team.
Appendix C

Officers’ expectations of members undertaking the Overview and Scrutiny Role

To assist understanding of what is expected of those performing the role of the scrutineer, it is useful to consider that role from an alternative angle. Therefore for information purposes the following text has been extracted from the Guide to Overview and Scrutiny for Officers.

‘Officers will have the following expectations of overview and scrutiny members:

- Members will have read reports thoroughly and will subject the issues arising from them to close examination, using their local knowledge only to exemplify;
- Questions should come either from a need for further clarification or because there is a major point which needs close examination (examination of minor points is not a scrutiny function);
- Members will interrogate the information – not the officer;
- Questions will be directed to the appropriate source, for example Cabinet Members when relevant, and officers will not be required to account for decisions taken by members;
- Members will always take account of the resource implications when requesting officers to undertake scrutiny work;
- OS committees will avoid duplicating performance management undertaken by officers or Cabinet; the overview and scrutiny function is to ensure performance management is in place and to use the existing processes to assess performance.

OS committees may require attendance of any County Councillor or officer of the Council but should seek to take account of existing engagements and commitments as far as possible. A person so summoned to attend must always give honest, full and helpful answers to questions. The only questions he/she may decline to answer are ones which he or she would be entitled to refuse to answer in a court of law. However, the committees should avoid seeking to draw officers into discussion of the merits of alternative policies that are politically contentious other than to explain and justify any advice given to the Cabinet before a decision was taken.’
Overview and Scrutiny Handbook:

The Role of the Overview and Scrutiny Committee Chairman

Contents of this Section:

- The Chairman
- Appendix Job Description

The Chairman

At Essex it has become the practice for chairmen of overview and scrutiny (OS) committees to be appointed by the full Council. While vice-chairmen are appointed by the committees.

As scrutiny is a member led process, the role of the Chairmen and their relationship with the officers who support their committees is important. The role includes:

- Having a key role to play in setting agendas and developing the work programmes.
- Meeting officers to discuss the progress of items identified for overview and scrutiny and to programme items in agendas.
- Responsibility for ensuring that the discussion is focussed and inclusive, and that there is a clear understanding of the outcome of the discussion.
- Often being required to start or stimulate the discussion, to provide a concise summary and to suggest further courses of action.
- Resolving disagreements, acting as arbiter during meetings and ensure that witnesses are valued and treated with respect.
- Taking a lead in preparing a question plan before a witness is invited to give evidence.
- Setting the tone and atmosphere of scrutiny meetings. Scrutiny is about understanding the issues and recommending improvements, not about confrontation or blame.
- Acting as the spokesperson for the committee and therefore usually being the one to present and champion the findings and recommendations that are developed through scrutiny processes on behalf of the committee.
A job description for the Chairman is attached at the Appendix.

A description of the role of those councillors chairing working groups is set out in the section of this handbook called the ‘Operation of Working Groups’.

July 2013
Appendix

OVERVIEW AND SCRUTINY COMMITTEE CHAIRMAN: Role Profile

Purpose

1. To provide leadership of and direction to their particular Committee.
2. To ensure that adequate resources (financial & officer support) are identified and sought from the Council.
3. To chair Committee meetings and ensure the Committee achieves its terms of reference.
4. To ensure that the Committee work programme fully complies with the Committees terms of reference.

Duties and responsibilities

1. To lead and support Committee members in developing an effective work programme.
2. To encourage Committee members to obtain the necessary skills to carry out the scrutiny role and to work with officers to provide training if necessary.
3. To endeavour to engage all members of the Committee within the scrutiny process allowing robust debate and constructive criticism leading to clear and measurable outcomes.
4. To ensure the effective running of the Committee, Chairing meetings in line with the Constitution and adopting an investigative and evidence-based approach.
5. To encourage the Committee to adopt an outward-looking focus by actively engaging service users, other stakeholders and the public in its work.
6. To lead the Committee in prioritising its work so as to ensure effective scrutiny.
7. To co-ordinate work with other OS Committees and Chairmen and to share learning.
8. To develop a constructive relationship with the Cabinet, particularly with relevant portfolio holders.
9. To develop a constructive relationship with the Executive Directors/Heads of Service in the areas that the Committee scrutinises.
10. To find a suitable substitute and to brief them on the meeting due to be attended, on occasions when personal attendance is not possible and where substitutes are permissible. However, substitution is not encouraged for working group meetings.

11. To introduce committee reports to Cabinet and elsewhere and to represent the agreed views of the Council.

12. To speak on behalf of the Committee in promoting effective communications with the media and the public in its work.

13. To act as Scrutiny Champions within the Council and be responsible for assisting and mentoring members of their Political Group on the role of overview and scrutiny.

14. To promote and encourage the use of the Guidance Notes produced to assist Overview and Scrutiny members;

Skills Required

- Good communication and interpersonal skills.
- Leadership and chairmanship skills.
- Project and time management skills.
- Ability to influence and work constructively with members, officers, the public and outside organisations.
- Ability work as part of a team.
Contents of this section:

- Operation of working groups
- Membership
- Task and Finish Group studies

- Appendix A: The Role and Responsibilities of a Chairman of Overview and Scrutiny Working Groups
- Appendix B: The Stages of a Group’s Study
- Appendix C: Overview and Scrutiny Site Visit Guidance

**Operation of working groups**

Committees may establish smaller working groups or panels to conduct individual reviews. As part of the Essex OS arrangements, such groups are referred to as task and finish groups (hereinafter referred to in this section as ‘TFGs’ or ‘groups’).

TFGs may operate on a relatively informal basis in the sense that they provide a forum for information gathering and discussion between group members and officers, and like their parent committees they have no delegated powers. In a majority of cases TFGs will not be formally constituted as committees to which rights of public access would apply, although they may decide to hold some meetings in public. They may also be set up as joint groups to discuss issues that cut across the responsibilities of more than one committee.

Information about each new TFG will be included on the Council’s website with other information about ‘Our Council’ and its political management.

Where a committee appoints a TFG, it will maintain responsibility for overseeing the work being done by that group, agreeing terms of reference and the resources to be allocated to carry out the work, and monitoring progress to ensure that the work is completed. The work of the TFG must be submitted to its parent committee for approval, and onward submission to the executive.

As TFGs may work on a more informal basis, it means that they are more agile. They can work flexibly, and use a broader variety of methods and communication to conduct their business. Agenda do not necessarily have to be circulated in advance of meetings that do not automatically have to be open to the public. They may also be unnecessary where pre planning and
organisation has taken place for instance a group has previously established a framework of questioning to develop cross examination of witnesses. Usually it is assumed that a TFG will conduct its investigations in private, albeit it will have to report to the formal meetings of its parent committee that will be held in public. Nevertheless it is helpful to ensure that it is clear at the outset of each project where a group’s meetings will not be not open to the public.

Meetings of TFGs will be less formal than meetings of overview and scrutiny committees. Nevertheless, they still require some structure to ensure that all TFG members may participate fully, and facilitate effective engagement with contributors. During discussion between TFG members and people asked to give information, the onus is upon the group to prepare itself and ensure that it leads the consideration of each project. Each TFG will have the responsibility of reaching conclusions based upon evidence considered, and seeking support for any recommendations from the parent committee.

In reaching its conclusions it is hoped that a TFG will be able to reach agreement by consensus. If following discussion on a particular issue, agreement cannot be reached then a minority view on a particular issue will be included in its final report to the committee together with the reasons for that particular view.

TFG members should operate within the agreed plan for the task and must not use any information/knowledge obtained through the group for any other purpose. This also applies to councillors not on the TFG who have requested information about the work being undertaken.

TFGs may be working with sensitive information or looking at difficult or controversial subjects. In these circumstances it may be important for working papers and discussions to remain confidential until the TFG has agreed its final report or drawn together its recommendations. The final report of a TFG becomes a public document once it is agreed and published as part of a committee agenda.

There may be instances where councillors decide to undertake a review without any officer assistance. In such cases they will be responsible for writing up the report on the review.

For each TFG an identified member of the committee will lead its activity and chair its meetings, and a description of that role is set out at Appendix A. Aside from identifying the role and responsibilities of a chairman, it also reflects those of TFG members.

The chairman of the TFG has joint responsibility with the chairman of the committee for the issue of any media interaction needed.
Membership

Membership of a TFG will initially be drawn from the parent committee. However, other non-Executive councillors may be appointed for particular reviews where their particular membership may add value depending on their knowledge, interest and commitment to deal with the matter being investigated. TFG membership will be open to members of all political groups but not necessarily on a strict proportionality basis.

The size of each TFG will vary, between a minimum of three members and preferably no more than six, according to the purpose for which it is established.

Once a TFG has begun to receive evidence its membership should not be increased as all group members will be required to receive and hear all evidence throughout the investigative stages in order to make informed decisions with colleagues that will be put forward at the end of the process. The chairmen of the committee and TFG will determine the membership, which will be reported formally to the committee together with the plan for the review.

Members are appointed to a TFG in a personal capacity. Therefore, there is no substitute scheme for members unable to attend any group meetings, due to the fact that all TFG members will be required to play a proactive role in receiving and questioning evidence as an investigation evolves in order to contribute fully to the consideration of the TFG’s findings at the end of the process. Meetings are only a part of the whole review process that requires a member’s ongoing commitment and engagement as required as part of TFG activity rather than solely attending meetings.

A TFG may appoint non-voting co-opted members. Co-opted members will have an opportunity to influence the TFG’s lines of enquiry, but they will not be able to take part in any vote, if one takes place. Diocesan Board and Parent Governor representatives must be co-opted onto any council body that deals wholly or in part with education matters and may vote on those matters.

Task and Finish Group studies

A detailed outline setting out the stages of a TFG’s study is set out at Appendix B.

A typical pattern for a TFG’s study is set out below. However, the pattern of each study will depend upon the topic under consideration.

- Defining or scoping the work to be done
- Gathering evidence
- Consideration of findings and conclusions
- Preparing a draft report
- Finalising the report
• The chairman will present the final report to the committee seeking its approval of the final report, and forward it to the Executive.
• Publication of report on the Council’s website and circulation to the relevant people and organisations who have been involved in the study.
• Receiving progress reports/feedback on recommendations. The Executive’s response to the report must be reported back to the committee.
• Monitoring. The study report will normally request reports back from the executive at appropriate time intervals on the progress with implementing any agreed recommendations and their effectiveness, or how the issues identified within the report are evolving in practice. These reports will normally be submitted to the committee. The TFG will cease to exist once it has finalised its initial report but may be reconvened, with the agreement of the committee, if necessary.

Dated July 2013
Appendix A

The Role and Responsibilities of a Chairman of Overview and Scrutiny (OS) Task and Finish Groups

What are the specific responsibilities of the Chairman?

For any piece of work undertaken by an OS committee or TFG the chairman is ultimately responsible for ensuring that:

- The TFG works constructively, efficiently and effectively
- There is a clear understanding of the task at hand eg what are we trying to find out?
- All members participate actively in the TFG’s work
- The TFG stays focussed on the topic and project’s terms of reference
- The TFG strives to achieve consensus
- The TFG makes best use of resources including time
- Evidence providers are treated appropriately. Overview and scrutiny is about understanding the issues and recommending improvements, not about confrontation, interrogation or blame
- To ensure that evidence is taken forward and acted upon, and that a record of proceedings is maintained

Setting the work programme and agenda for a group

The chairman should provide leadership for the TFG in terms of the work programme and agenda, which will be recorded in the ‘Terms of Reference’ in the scoping document that should be agreed by the parent committee.

It is important to ensure that investigations are a challenge to service provision, proportionate to the issue, and stick to the agreed scope.

Gathering evidence

The chairman should take a lead in deciding:

- What background information should be requested.
- Who the group needs to see and why.
- What visits and witnesses may be needed.

The chairman should endeavour to ensure that confidentiality is respected in relation to any comments or views given in confidence. The chairman should ensure that if the people (staff, councillors or third parties) have given views or comments for the purposes of a TFG or report, those people are only quoted and/or be capable of being identified in the report if they have given their express consent. The chairman should be mindful of this requirement and if in doubt seek early advice for the scrutiny officer.
Task and Finish Group meetings

The chairman is responsible for:

- Ensuring that an appropriate tone is adopted for each meeting and witnesses are comfortable in their respective roles. It is good practice to make a point of welcoming everyone, especially where there may be people from outside the authority present, and make clear the purpose of the meeting and how it will be run;

- Ensuring that personal conflict is avoided and that any disagreement within the TFG is managed effectively; and

- Clarifying the outcomes of a meeting and summarising the main findings, actions to be taken, and next steps.

Monitoring progress

The chairman should:

- Be clear about the term of reference and use them to focus on the task at hand. It is their responsibility to monitor the effectiveness of the TFG and its work, suggesting improvements where necessary

- Ensure that Cabinet Members and senior officers are kept informed of the work in order to ensure that there are ‘no surprises’ as a result of an investigation

Concluding the enquiry

When drawing an enquiry to its conclusion the chairman should:

- Make clear all decisions taken by the TFG and liaise with supporting officers to draft the final report

- Endeavour to ensure that recommendations are arrived at through robust, logical argument that is based on evidence gathered over the course of a review

- Ensure that the recommendations the TFG makes are ‘SMART’ (specific, measureable, achievable, realistic, timely) and that appropriate officers and councillors are given the opportunity to comment upon them prior to the submission of the final report to committee. Information should also be included on who would have responsibility for ensuring that recommendations are acted on and a date that this should be done by
The final report

A TFG’s final report has to be considered and approved by the parent committee.

It is the responsibility of the chairman to present the final report to the committee and, if endorsed, to follow the progress of recommendations to the Executive.

The chairman should seek to gain a consensus on the final report. A TFG’s strength comes from presenting a consensus political view. If some members are not convinced by the findings and recommendations, it is unlikely that the parent committee or cabinet will be convinced either. Minority reports or failure to agree on certain conclusions and recommendations should, therefore, be avoided wherever possible, and it is the chairman’s responsibility to try to achieve consensus. Where there is a difference of views that cannot be reconciled, this should be fully explained in the main report, along with any alternative recommendations. It is then the task of the parent OS committee to decide which recommendations go forward.
Appendix B

The Stages of a Task and Finish Group’s Study

Planning and scoping

Councillors need to be thoroughly involved in the planning of a review. Having been given an indication of what the scope should be by the parent committee, the TFG should consider the specific issues it will cover and agree a plan for the task. It should be assisted in this by advice from officers.

The plan should set out:

1. A clear statement of the scrutiny topic.
2. The aim (or purpose) of the project.
3. The scope of the project - what will be included and excluded.
4. The key lines of enquiry and any specific questions to be answered.
5. Specific concerns or issues, which should be addressed.
6. How it will contribute to achieving Corporate Priorities
7. Initial list of key stakeholders, partners or other agencies to involve.
8. Initial list of witnesses, both internal and external, to involve
9. Timescale for completion of the task.

Within the agreed scope, the TFG should decide what information it needs, what questions to ask and if external expertise should be involved. Where needs are identified consideration should be given as to why that information/contact etc is necessary. This may include which people or organisations should be consulted and at what stage further consultation may be appropriate. In addition, the group should consult appropriate contacts on their views at the planning stage.

Gathering information

Once the planning is finished, the group will actively gather its evidence. Some of this will be written information, such as council documents, national guidance or information from organisations providing a similar service. Information can also be collected by asking people questions. Evidence to TFGs from officers should be fact-based and not contain recommendations unless presented in the form of options. Questioning should be aimed at trying to understand and explore issues rather than at catching the witness out. The TFG should avoid making statements rather than asking questions. Information might also be gathered from user groups, the public, other interested parties or partners. Sometimes the TFG will think that their enquiries would benefit from a site visit or other activities such as by directly trying the service.

Site visits by a committee or TFG can be an extremely valuable part of the process and could inform Councillors’ questioning of subsequent contributors.
If a TFG wants to hold a public meeting to seek views on an issue they can. Its members should be engaging with other organisations, partners, user groups, other councils etc and talking to people who are affected by the issue being considered to make sure they are gathering information.

Reflect, learn and draw conclusions

When the TFG has gathered all the evidence it needs, it will assess it and reflect on what it has learned. A draft report is written to help this process. This helps the TFG to draw conclusions from what it has learned, and its recommendations must be an expression of the views of the group rather than a report to the TFG written by Officers. This means that it is important for members of the TFG to express their views at the drafting stage.

The relevant department will normally be given a chance to comment on the draft report before the TFG makes recommendations. This is an opportunity for factual corrections to be made. Sometimes the report relates to work by bodies outside the council. In that case, these bodies may be consulted.

Updates to the Overview and Scrutiny Committee

The TFG’s chairman will provide a briefing note detailing progress of the review to the parent committee’s meetings. The chairman will take questions for points of clarification only, and should avoid debate or elaboration in the absence of relevant evidence until such time as the group submits an interim/final report for the committee’s debate.

Report findings and recommendations

At the end of each review reports need to be produced that are written in clear English. The reports must outline the information gathered and information be presented in a variety of ways so that they are interesting and easy to read. The final report will be based on facts collected and give a full picture of the issues under consideration. It will reflect the range of views presented to the group. It will contain conclusions (key findings) and clear recommendations.

Generally, when the report is endorsed it will be by consensus among all members of the TFG. However, occasionally agreement cannot be reached, so the views of all members will then be reflected in the report.

When the TFG has finished its report, its chairman will present the work to the committee. As part of this process, the chairman will explain the work that has been done and ask the OS committee to support the TFG’s recommendations. The OS committee could also comment on the report or ask for further work to be done.
Producing the Report

Having considered all the evidence the TFG will reach conclusions and make recommendations that will be made public in a report. However, organisations that have participated in the review will be sent a draft copy; this will enable them to comment on the factual accuracy of the evidence relating to their organisation and inform the group of implications of the recommendations that may not have been considered.

The TFG’s findings and recommendations will be presented to the committee for endorsement before submission to Cabinet and/or Council.

The OS Committee will monitor the outcomes of recommendations in line with timings that will be set out in those recommendations. The TFG will cease to exist once it has finalised its initial report but may be reconvened, with the agreement of the committee, if necessary.

Dated July 2013
Overview and Scrutiny Site Visit Protocol

The purpose of this Protocol is to provide guidance on the format of site visits carried out as part of an overview and scrutiny review and on the collection and reporting of evidence by the group (and committee in some cases) on such site visits.

Site visits can also be very useful in helping committees and task and finish groups (TFGs) to get to grips with issues and should be arranged as needed.

1. When a scrutiny site visit is to be conducted the host should be sent:
   • Information on the purpose of the visit
   • Information on the Scrutiny Review and how comments may be used.

2. Before a site visit the TFG will be provided with an information sheet including relevant details (and a map if necessary).

3. Arrangements should be made for those taking part in the visit to make notes and produce a report on the findings of the site visit for the TFG’s consideration of the relevant details of which will be included within the final report.

4. Members of the TFG, who have attended the site visit, will have the opportunity to add additional feedback on the report of the site visit at a future group meeting.

5. The TFG will have the opportunity to decide how this additional feedback should be used, for example, whether it supports previous evidence, identifies the need to collect further evidence or identifies a new issue to scrutinise that is within the scope of the group.

NB: Members should be aware that written feedback will form part of the evidence available to the TFG and will also constitute a background paper that will be available on request.

Attendance at the Site Visit

1. A mutually convenient date will be set with the host and the visiting TFG members.

2. All TFG members will be notified of the date and timings for the site visit and be informed of relevant transport arrangements.

3. The TFG is committed to developing an effective relationship between Scrutiny and Cabinet Members. Therefore, on occasions a group may invite the relevant Portfolio Holder to attend a Scrutiny site visit. Attendance by the Portfolio Holder at any site visit is at the discretion of the chairman. It will be explained to the Portfolio Holder that their role
on the visit would be in the capacity as an observer and as such any questioning will be directed to the host by TFG members only. Overview and scrutiny members acknowledge and respect the different rights and roles of both Scrutiny and Cabinet Members, and recognise the interdependency of the two functions on each other.

Support

To support this Protocol the Scrutiny Officer will provide:

• Information on the purpose of the site visit.

• Information on the Scrutiny Review and how comments may be used in the evidence base.

• Support for the TFG, which includes in terms of providing advice to the chairman and group members, research, production of briefing notes and drafting the group's final report.
Overview and Scrutiny Handbook:

Committee Activity and Meetings

Contents contained in this section:

- Committee Activity
- Schedule of formal committee meetings and activity days
- Individual reviews/ Working Groups
- The role of the committee as a conduit for information and knowledge sharing
- General Approach to Agenda Preparation for Meetings
- The Agenda
- Planning or Pre-meetings
- Meeting pitfalls
- Avoiding the pitfalls
- Appendix: Ways of working and types of meetings

Committee Activity

The operation of the Council’s Overview and Scrutiny (OS) Committees is still evolving, and it remains important to continue building upon the lessons being learned.

To produce more effective OS work programmes it is necessary to reflect on both ways of working that have produced positive outcomes and those that, in practice, have not worked very well or where alternative approaches or solutions may have been more appropriate with the benefit of hindsight. By doing so it is hoped that committees will be able to exert more positive influence and achieve more tangible outcomes through their work.

In broad terms committee activity could be described as:

- Formal business such as agreeing reports and recommendations, consideration of the work programme, call ins and petitions.

- Individual reviews where the prime focus of activity is the gathering and consideration of evidence. These may be conducted by a committee or a smaller body that may set up to investigate a topic and report its findings and conclusions back to the parent body for endorsement; and

- Information or knowledge sharing where it is important that information is shared to support members in their broader committee roles eg developing a practical understanding of the way that services may be provided that is pertinent to topics under review, or identify those aspects that may warrant a more in depth review.
In the past much OS committee business has been undertaken within the setting of a formal meeting, and those meetings will remain necessary, for instance to determine work programmes, approve final scrutiny reports before they are forwarded to the Executive and then the responses received, consider Cabinet decisions that may have been called in, and petitions. While such meetings are integral to committee activity, they may not always provide the most effective setting to investigate issues or conduct in-depth scrutiny. Consequently members have begun to develop a more agile approach to committee activity and in doing so taken a more proactive approach to performing OS and the delivery of tangible outcomes, as well as addressing the need to make more effective use of limited resources.

There are a variety of meeting scenarios and other ways of working that OS committees may adopt to conduct their work such as formal committee meetings open to the public, task and finish groups, briefings, workshops, site visits, and questionnaires. A list of the various ways of working and types of meeting that a committee may adopt is set out at the Appendix to this section.

Ultimately the success or otherwise of a committee will be its ability to influence the Council’s broader activity through its members’ investigations and recommendations.

**Schedule of formal committee meetings and activity days**

For many years the Council has produced a ‘Calendar of Meetings’ ie a schedule of dates for committee meetings, to assist both councillors and officers to plan their work, and record those dates when they are required to attend meetings over the following year.

While the practice of scheduling a regular monthly date for a committee to conduct its business has been maintained for practical purposes, it does not necessarily follow that an OS committee will hold a formal meeting open to the public on that date The dates are now proposed as ‘activity days’ with an expectation that members and officers will be available during that day with the timing, format and reasons for meeting depending on the work being planned.

In line with current practice, activity days will continue to be scheduled on a monthly basis to assist in the co-ordination of members’ availability in the planning of dates for working group meetings or other planned committee activity such as seminars or site visits.

As a part of the design of its work programme a committee should consider its preferred pattern of meetings/planned activities. An important part of that consideration will be the need to prioritise its time and resources. To some extent this will depend upon the nature of a committee’s remit and topics considered eg those committees that monitor performance and budgetary matters may be more inclined to formal meetings as an effective mechanism to cross examine information and witnesses, whereas a committee conducting...
in depth topical reviews may prefer to set up smaller more flexible working
groups that collate evidence through site visits and interviewing witnesses.

In practice there has been a tendency for committees to maintain the
comfortable familiar schedule of regular formal monthly meetings to conduct a
majority of their business, and to a certain extent measure their performance
on those meetings. Given the resource necessary to support formal
meetings, it is inevitable that they have a significant impact upon a
committee’s overall performance, including any projects being conducted by
working groups and time available to individual reviews. By adopting a
broader interpretation of activity days, OS committees will have the
opportunity to deliver a work programme more likely to maximise the use of
the time and resource available and ultimately produce better outcomes in
terms of quality and influence rather than quantity of topics touched upon.

It is intended that in developing a committee’s work programme and fostering
more effective ways of working, monthly diarised dates will continue to be
identified as ‘activity days’, with every second or third month being earmarked
for formal meeting business. The focus of the formal meetings will be to
consider those matters requiring the full committee’s attention, and to receive
reports from working groups.

A pattern of a two or three monthly formal public meeting cycle would not
preclude the holding of formal meetings in the interim if necessary. Such a
need could arise where a call in is referred to the committee for consideration
or the timing of a particular review necessitates the need for the full
committee’s consideration and agreement.

On those days when a formal public meeting is anticipated, it would be
practical to plan other committee activity on the same day so that members
may reduce the time and expense associated with travelling to County Hall.
Informal planning meetings (or pre-meetings) could be held prior to or
following the formal meeting to enable all members to take part in the
planning and co-ordination of projects. In addition briefings/seminars could
be commissioned separately to address specific issues of interest to the
Committee’s remit so that the focus of formal meetings is upon those matters
where the objective is to agree proposals and take work forward rather than
items being presented for information.

For illustrative purposes only the following table sets out a potential pattern of
activity days based on a quarterly formal meeting that could underpin the
planning of a committee’s work programme (retaining flexibility to change the
meeting pattern depending on demand and to align items with the Cabinet
timetable):

<table>
<thead>
<tr>
<th>July</th>
<th>Meeting to conduct Committee’s formal business/ followed by other activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>August/ September</td>
<td>Combination of seminar/visits/ task and finish groups</td>
</tr>
<tr>
<td>Month</td>
<td>Activity Description</td>
</tr>
<tr>
<td>------------</td>
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</tr>
<tr>
<td>October</td>
<td>Meeting to conduct Committee’s formal business/ followed by other activity</td>
</tr>
<tr>
<td>November/ December</td>
<td>Combination of seminar/visits/ task and finish groups</td>
</tr>
<tr>
<td>January</td>
<td>Meeting to conduct Committee’s formal business/ followed by other activity</td>
</tr>
<tr>
<td>February/ March</td>
<td>Combination of seminar/visits/ task and finish groups</td>
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<tr>
<td>April</td>
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</tr>
<tr>
<td>May/ June</td>
<td>Combination of seminar/visits/ task and finish groups</td>
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</table>

An important feature of developing this new approach would be the planning of committee activity by the chairman and vice chairmen, supported by scrutiny officers, and underpinned by a flow of two way communication between committee members through exchange of email. Furthermore, it would be helpful if members embraced regular informal planning or pre-meetings as an important part of developing their scrutiny responsibilities. Overall the subtle variation in approach as set out above could afford members an opportunity to participate more fully in an investigation by not relying on limited sources of information, and developing their own knowledge thereby being able to challenge more effectively and shape a committee’s findings.

**Individual Reviews and Working Groups**

The selection of topics for in-depth review is considered elsewhere in this guidance. However, members have indicated that from their own experience of conducting scrutiny reviews they believe that it is more effective for in depth investigations to be undertaken by working groups (or task and finish groups). Therefore, such groups should be considered as an option for leading scrutiny reviews within a committee’s work programme.

Any working group that is set up must have clear guidelines for the review that it is tasked to undertake, and must report its findings and recommendations to the parent committee for final approval before being forwarded to the Cabinet for consideration. Ultimately the Cabinet’s formal response will be reported back to the committee rather than a group.

It is important to recognise that while working groups are a means of facilitating additional work outside of the committee’s own unique activity, the total volume of the work generated must be contained within existing resources. Members also find their working group responsibilities onerous if they are taking part in too many individual projects at any one time. Consequently there is a strong argument that the number of groups that are operating fully at any one time needs to be restricted in practice.
The proposed variation to the approach taken to the Committee’s meeting schedule would assist in identifying dates for working group meetings, rather than holding such meetings in addition to the former monthly pattern of formal committee meetings.

Fuller information on the ‘Operation of Task and Finish Groups’ is set out in separate guidance.

The role of the OS committee as a conduit for information and knowledge sharing

Aside from its role in conducting scrutiny reviews that fall within its remit, an OS committee also provides councillors with a channel for learning more about the work that is being undertaken by the Council’s services. This can conflict with a committee’s overall capacity to influence Council activity because its resources, including members’ time, may be diverted away from conducting in depth investigations on topics where it could be instrumental in supporting change.

OS committees can also obtain information via the following channels:

- Briefings: These may be commissioned to update members on issues of wider interest relating to a committee’s remit. However, based upon members’ feedback briefings must be organised so members are engaged positively rather than merely being presented with a lot of information. These types of meeting do not necessarily require the same level of resource required for formal public meetings, but are a useful mechanism for a committee to acquire background and updates on relevant issues of interest. It is suggested that briefings should be organised to co-incide with members coming into County Hall to undertake other committee activity.

- Site Visits: There are examples where site visits have been useful in providing members with a practical understanding of an issue under investigation that may not be achieved through presentations at a formal committee meeting. There are issues within the committee’s remit where site visits could provide a more effective means of obtaining an overview of what is occurring in practice, than a meeting held in council offices. A caveat is that visits should be reported on formally by members to the committee for record purposes.

- Written advice: There have been occasions where a committee has been satisfied with interim information collated by the scrutiny officer on a proposed review without recourse to a full review eg overhead banner policies. Based upon the written information circulated members have an opportunity to decide if the topic does or does not warrant further investigation or, in fact, it was merely a case of them being provided with a better understanding of how something is
managed. This approach, when appropriate, can avoid the need to allocate resources to an unnecessary time consuming review.

- Newsletters: Consideration could be given to the circulation of monthly newsletters to update County Councillors upon service areas like Highways. It is hoped that such an approach may obviate the need for those matters to be referred to committees except where a fuller scrutiny investigation may be agreed.

While the committee meeting is likely to remain a popular choice for exchanging information, it is essential to distinguish the role being performed in individual cases so that it is clear what input is expected of members so that limited OS resources can be targeted more effectively.

General approach to agenda preparation for meetings

This following information is provided by way of practical guidance that can be applied to the organisation of meetings in general.

The chairman is responsible for drawing up the agenda for each meeting in advance with the relevant committee colleagues and officers. Careful preparation beforehand will make a major contribution to ensuring that a meeting runs smoothly to maximum benefit, and its objectives are achieved.

The following questions are suggested as a checklist to underpin effective, well-structured and informative agendas, as well as assisting in the drawing up of itineraries for site visits:

- Have all worthwhile items been considered for inclusion?
- Are the items arranged in order of importance (most important first)?
- Are there too few/many items?
- Are the items worded clearly?
- Will Members understand the point of including the items?
- Do any items need to be grouped with others?
- Is there enough time to read all of the supporting information?
- Has the agenda been arranged so that those involved in only one or two items can leave the meeting?
- Are confidential items placed at the end of the agenda?
- Have adequate timings been allocated to each item?
- Does there need to be a break?

The Agenda

The role of the agenda is to provide a formal structure for a meeting to assist in its management and ensure that all relevant business is discussed. A clear comprehensive agenda will contribute to the success of a meeting. Ultimately it is the chairman who will agree the final format of the agenda for each meeting.
An agenda will comprise items that have been through the work planning process described elsewhere in this guide, and as far as possible will coincide with a committee’s work programme.

When deciding how many items will be placed on an agenda, it is important to consider the timeframe available. For some meetings there may be an advantage in allocating a set time for the discussion of individual items.

The time and venue of each meeting needs to be reviewed in terms of the particular items identified and their appropriateness for those people who may be participating.

The dates, times and locations of meetings are published on the Council’s website. Agenda papers and supporting documentation are published on the Council’s website at least five working days in advance of the meeting, and a limited number of hard copies will be produced. However any exempt information that falls within those categories of papers that are not required to be published under Section 10A and Schedule 12A (as amended) of the Local Government Act 1972 will be restricted.

The agenda is published on the Essex County Council website at www.essex.gov.uk from the Home Page, click on ‘Your Council’, then on ‘Meetings and Agendas’. Finally, select the relevant committee from the calendar of meetings.

Planning or Pre-meetings

Planning or pre-meetings provide a forum for members to plan an OS committee’s work and discuss those issues that will inform support staff on what preparatory work needs to be undertaken. Committees may find it helpful to arrange for regular pre or post planning meetings on the same days as formal committee meetings as it provides members with an opportunity to contribute to the planning of agenda before they are finalised. In turn members can demonstrate that they are in fact leading the Council’s OS function.

As part of the pre-meeting approach there is an opportunity for councillors to identify what questions they will want to ask on topics at forthcoming meetings so that steps may be taken to ensure that witnesses will be prepared with the necessary information. This will help members to lead the way they take forward their consideration of a topic, rather than being presented with the preferred line of enquiry of the witness, which will heavily influence any questioning that takes place, and the outcomes that a committee may achieve.

Meeting pitfalls

Here are some common reasons why people dislike meetings, and should be avoided in the way each meeting is conducted:
The purpose of the meeting is unclear
Members unprepared
Officers unprepared
The wrong participants are attending
People who cannot put their views properly
Deviating from the agenda/ irrelevant talk/ reiterating the same points
One item is allowed to hijack the meeting
Parochialism
Chairman does not stick to the agenda
Poor time management, including failure to start on time and meeting goes on too long
Rudeness and personal attacks
No decision or unclear decision reached
Poor or no follow up
Party politics

Avoiding the pitfalls

It is notable that many of the pitfalls associated with unsuccessful OS meetings often recur but could easily be avoided. Through a combination of good preparation and good practice by all those involved, scrutiny meetings should constitute a productive and beneficial forum for all those involved. The following are a few simple ground rules that will help to ensure that meetings run smoothly:

- No personal attacks
- Keep points to the agenda item
- Silence is agreement
- Don’t revisit ‘done’ issues
- Be concise
- Respect the authority of the Chairman
- Work towards the collective good not the parochial
- Listen to others
- One meeting at a time
- Use evidence rather than opinion

All members involved in the scrutiny process should regularly reference any project plans that have been designed to guide a review in order to maintain a focus upon the agreed areas for scrutiny.

Dated July 2013
Appendix

Ways of Working and Types of Meeting

Overview and Scrutiny Committees offer members the opportunity to adopt a range of approaches to their work, as described below:

**Formal ‘Committee’ Meetings**
Formal meetings are public meetings and are subject to statutory requirements. They are a useful arena where councillors can perform in public. The meetings do not have to be at County Hall and can be held at other suitable accommodation in the county. However, as they are public meetings, the venue should be accessible to the public and have disabled facilities. These meetings should be supported by formal agendas, reports and minutes (or notes) as appropriate.

There is also merit in considering the room layout for each meeting because of the impact it can have on proceedings and the way participants engage with one another.

There will be occasions where formal committee meetings will have to be held for instance to endorse a work programme, approve final scrutiny reports before they are forwarded to the Executive, consider Cabinet decisions that may have been called in, and petitions.

**Requests for information**
These may be simple requests for the committee to receive information about a particular matter. The response could be a paper report or information sent by e-mail or through reference to information published on a website. Dealing with matters in this way can be an effective means of monitoring performance or progress without taking up time in committee meetings.

**Single reports to a Committee**
These may be appropriate if a committee wishes to find out more about a particular service or issue but is unclear about whether there are aspects requiring more detailed scrutiny. Reports may be specially prepared or may draw on previously prepared information, for example complaints or performance management or from external inspectorates.

**Consideration of an issue over a series of Committee meetings**
This may be appropriate where the committee wishes to track progress of a particular issue during its development or to monitor progress over a period of time.

**Member-led review**
A small number of members could be appointed to a working group to look into an issue in detail. This may involve the group in a series of meetings and visits over a period of months and can culminate in a report from the group setting out the conclusions and recommendations arising from the review.
Commissioning an investigation
A committee could commission interested parties to undertake an investigation and examine their findings at one of its formal meetings.

Allocating review tasks to Committee members
This can be an effective way of breaking down review tasks, which are then undertaken by individual committee members or groups of members. Working in this way can increase the coverage and depth of issues that can be addressed.

Allocating monitoring tasks to Committee members
Members with particular interests in an area of activity could be asked to monitor activity in that area and bring to the Committee’s attention to any particular issues or problems.

A seminar
This could be an information-gathering exercise held outside of the regular committee meetings, if members feel the need for greater understanding of key issues on a particular topic. Officers would be invited to discuss a particular topic and answer questions to extend members’ knowledge.

A visit
Visits may be made to relevant places to enable members to gain ‘hands on’ insight into services they are scrutinising, and to engage the public in the topic scrutinised. Visits can positively enhance the credibility of members in their community leadership role.

Submission of evidence or views
Cabinet members or other councillors, Council officers, stakeholders, service users and clients may all be invited to the committee meeting to present views or evidence or to answer questions about matters under review.

Joint working
Any of the activities described above could be carried out jointly with partners, such as members of another local authority or NHS Non-Executive Directors.

Public Meetings
Aside from formal public meetings, occasionally more informal meetings outside County Hall may be useful for gathering evidence and engaging with the community eg if a review was looking at children’s issues then a school hall, leisure centre or popular venue where children meet such as a burger restaurant could be considered.

Training sessions
Where councillors may be examining a complex issue in depth, it is important to consider if any training or awareness raising is required to enhance their understanding of issues that they may come across as part of a review, as well as the ability to examine evidence more objectively. Training sessions are also useful for teambuilding purposes. Depending on the content of the
training, a session could be held on the same day as a formal meeting or incorporated into a seminar.

**Workshops**
These are an opportunity for councillors to be creative in the way that they examine an issue, and in some cases to develop ideas with other people.

**Interviews**
As part of gathering information for a review, councillors may wish to hold private interviews with witnesses on an informal basis or to visit them eg Government agencies.

**Cross-examination**
Councillors may wish to call in witnesses to formal meetings (including those open to the public) to cross-examine them. Careful attention needs to be given to room layout, as well as briefing the witnesses as to the sort of questions that councillors will be asking.

**Conferences**
Sometimes there may be opportunities for councillors (and/or officers) to attend a conference that has relevance for a review that a Group is conducting. However, it is necessary to establish how that councillor will feed into a review.

**Mystery Shopping and Questionnaires**
There are other ways that councillors can engage with the community aside from meetings in order to collect information for their work. Mystery shopping is the collection of information from retail outlets or services by people posing as ordinary members of the public. Councillors could collect information in this way on the services that they may be reviewing. However, to be effective they need to be properly briefed on the sorts of information that is relevant to the review, and the way that they will feed back the information they find.

Questionnaires are another useful means of obtaining information from a larger number of people and organisations in a structured way.
Overview and Scrutiny Handbook:
Managing Overview and Scrutiny Projects

Covered in this section:

- Project Management
- Scoping the Review
- The Role of the Cabinet Member
- Gathering the Evidence, Reviewing the Evidence and Preparing the Report
- Planning and Pre-meetings
- Members Access to Information and Council Documents
- Presenting the Report
- Executive Feedback
- Monitoring

Project Management

It is useful for a committee to apply some simple project planning techniques to the way that it undertakes individual overview and scrutiny (OS) reviews. By organising a review as a project it enables a committee to manage a review more effectively for instance by establishing responsibilities and key lines of enquiry.

Project management offers a range of tools that can be modified to assist an OS committee to plan, organise, implement, and control its activities, as well as managing people and resources.

A scrutiny review should be seen as a one-time activity with a defined goal. It can be divided into sub tasks that have to be accomplished through co-ordination and control in order to achieve the project goals. The project itself must also be co-ordinated with resources being shared with other projects being carried out by the OS committees as well as the Council.

Below is a simple outline of how a scrutiny review may be managed from its inclusion in a committee’s work programme to publishing its findings. A flowchart setting out the seven stages is attached at Appendix A.

Scoping the Review

In general, the review topic should preferably be chosen in accordance with the selection criteria described elsewhere in this handbook. Each review should be guided by a clear terms of reference that should be approved by the parent committee.
It may be useful to consider the setting up of a review team, led by members with the assistance of officers to scope or project plan the review, and to agree an achievable timescale. Terms of reference for reviews are usually drafted by supporting officers, which will be subject to discussion with and approval by the committee.

Important matters to be considered in the scoping of a review include:

1. What are the committee’s reasons for undertaking the review? ie identifying the objectives and the main issues that will need to be addressed in order to achieve the objective(s)?

2. Establishing the timeframe for the review ie how does the review process fit into the work programme and the overall timeframe that has been identified?

3. Outlining the stakeholders and key issues ie what evidence is required, and who needs to be called as a witness?

4. Considering the key lines of enquiry. Once the objectives and key issues have been identified, what are the key lines of enquiry that should be pursued in order to help focus the review and support a consistent approach to a topic across meetings.

5. What are the potential risks to the success of the review in order that they can be avoided later in the process?

6. Aside from agreeing what will be covered by the review, it is important to consider what a review will not cover.

7. Identifying any financial costs likely to be associated with the review eg the purchase of any relevant publications or materials, and attendance at conferences or site visits that will incur travel and subsistence expenses. In turn, it will be necessary to establish if the costs may be accommodated from within those budgets allocated for committee activity.

Timeframe

The length of a review will depend on the subject matter. It is important to consider the likely duration of a review at the outset, taking into account any external factors that will affect the gathering of evidence eg holiday periods, consultations, and elections. The review team should plot key stages and milestones for the review. They should reflect the stages covered by this guidance.
Scoping Document

A scoping document should be produced for every review. It should play a key role in managing the review, because it sets out key information such as the aims of a review, participants, and timeframes. In practice the scoping document itself is not a static document, it will evolve as a review progresses in response to evidence considered or other unforeseen events such as a pertinent Government announcement or national event. The implications of any departures from the scoping document need to be considered in the context not only of the review itself but a committee’s overall work programme. It is important that reviews are managed properly by all those involved and not allowed to drift without reference to the work programme. The progress of a review can be affected by other committee work being undertaken in parallel such as unforeseen issues that need attention and the number of meetings that take place in practice. It is inevitable that a committee will have to make difficult choices given the competition in the way its limited resources are allocated at any one time forcing amendments to its work programme.

An example of a scoping document or committee review process management form is attached at Appendix B. It has been designed as a tool that may be compiled at the start of each inquiry to set out clearly the aims and objectives of the committee’s involvement in a particular matter, and will be completed at the end of the inquiry to confirm what has been achieved. The form also provides an audit trail for the review.

The role of the Cabinet Member

- During the review

Cabinet members are only required to attend OS committees when invited to give evidence and answer questions. They also have the right to attend meetings where scrutiny issues that fall within their portfolios are being considered. If a cabinet member wishes to attend a meeting in other circumstances, it should be as an observer. Seating arrangements should reflect the role they are playing.

Cabinet members will be informed at an early stage about scrutiny reviews that are being established to look at issues within their portfolio, and about possible dates for attending a meeting for the purpose of giving evidence. The notice given should be sufficient to enable the production of any documentation or report that may be required.

Prior to finalising scrutiny reports, committees may wish to discuss their recommendations with the Cabinet Member. The committee will need to ensure that sufficient time is allowed to enable the Cabinet Member to consider the detail of the report and seek whatever professional advice he may require in order to prepare a response.
- Cabinet consideration of review conclusions

Following approval of a scrutiny report it should be formally submitted to the Cabinet/ Cabinet Member for a response, or to full Council if the recommendation would require a departure from or a change to the agreed budget and policy framework.

A clear distinction needs to be made between the review’s findings and recommendations, and the executive’s response to them. Once a scrutiny report is agreed by a committee, it is for the relevant Cabinet Member to decide what further investigations, consultations and reports are required before being in a position to consider his/her response to a review’s recommendations.

Gathering the Evidence

A broad outline of the key lines of enquiry should be identified as part of the scoping of a review. The next stage is to develop in more detail the sources of information required and the methods for collecting that information. It is important that any conclusions reached and recommendations formulated by members are backed up by evidence, because they rely on being able to persuade decision makers through proper investigation and argument.

Evidence may be in the form of:

- Written evidence eg from officers, public, outside organisations and bodies
- Oral evidence eg by inviting witnesses to meet and provide members with information
- Site visits
- Use of questionnaires or other forms of consultation
- Documents research
- Comparison with other councils/ organisations

Experience suggests that an important part of developing effective scrutiny is to adopt innovative ways of working. Alternative venues, times, layouts and formats for discussion can all add to the effectiveness of scrutiny activities. While traditional ways of conducting meetings may be ideal in some situations, scrutiny requires its participants to be engaged more proactively in the way that information is examined. Not only will scrutineers challenge witnesses, they themselves will be challenged during the course of a review.

By good forward planning of the review, and identifying what key lines of enquiry need to be pursued it enables more thorough research or specific consultation to be undertaken, and helps to ensure the availability of external witnesses to attend meetings.

As part of this stage it is useful to draw up a plan of questions for meetings that can be put to witnesses and, in general, identify the information required
to meet the objectives of the terms of reference. It is useful to make the question plan available to witnesses prior to attending a meeting so that they may prepare adequately. It should not be an exhaustive list of questions that the committee can deviate from, rather it will provide a sound starting point for further questioning. Questions could be structured in such a way as to allow members to ask supplementary questions. Questioning should be shared between members and where possible it may be useful to decide which members will ask the various questions.

**Planning or Pre-meetings**

Planning or pre-meetings provide a forum for members to plan a committee’s work and discuss those issues that will inform support staff on what preparatory work needs to be undertaken. OS committees may find it helpful to arrange for regular pre or post planning meetings on the same days as formal committee meetings as it provides members with an opportunity to contribute to the planning of agenda before they are finalised. In turn members can demonstrate that they are in fact leading the Council’s OS function.

As part of the pre-meeting approach there is an opportunity for councillors to identify what questions they will want to ask at forthcoming meetings so that steps may be taken to ensure that witnesses will be prepared with the necessary information. This will help members to lead the way they take forward their consideration of a topic, rather than being presented with the preferred line of enquiry of the witness, which will heavily influence any questioning that takes place, and the outcomes that a committee may achieve.

**Members Access to Information and Council Documents**

Members access to information and Council documents is set out in the ‘Protocol for Member/ Officer Relations’ that is incorporated in the Constitution.

Members of OS committees have additional rights of access to documents, and are entitled to a copy of a document that contains material relating to any decision that has been made by an individual Cabinet Member in accordance with executive arrangements. This right does not extend to any entitlement to copies of documents that contain confidential or exempt information, unless that information is relevant to an actual decision that the member is reviewing or scrutinising, or any review contained in any programme of work of an OS committee on which that member sits.

**Reviewing the Evidence and Preparing the Report**

As evidence is collated members will need to review their findings on an ongoing basis, and decide whether any further information is required in order to reach well-judged conclusions.
Officers will assist members in collating the evidence and supporting the formulation of their findings and recommendations. However, the onus is upon members to play the principal role in accumulating that evidence through their own proactive engagement in review activity. Ultimately findings and recommendations should be drawn from the evidence captured as well as being adequately supported by it.

Scrutiny activity is usually conducted as a team project, and individuals may form different views on evidence. In practice the aim should be for a committee to reach a consensus, therefore the chairman/lead member needs to ensure that all members have had the opportunity to contribute to the discussion. In a situation where overall consensus cannot be achieved it may be necessary to consider how to accommodate any different points of view.

The outcomes of an individual investigation will differ. There may be instances where the conclusion is that the committee considers that no further action is necessary and that, based upon evidence, may be an acceptable outcome. However, in many cases a committee will decide that it wants to make some recommendations to effect action being taken.

Where recommendations are made they should seek to lead to tangible improvements in service delivery or corporate direction. Usually the purpose of a review as set out in a scoping document should convey an inkling of what a review is seeking to achieve, and members should be mindful of the aim of a review when debating their final recommendations and the evidence collated. In summary:

- Link recommendations to the evidence provided
- Keep recommendations concise and easy to understand
- Link recommendations to the project plan
- Include methods for monitoring the recommendations
- Reflect the general consensus of the committee

Under the Protocol between the OS Committees and the Cabinet, the committees have undertaken to provide recommendations that are SMART i.e specific, measureable, achievable, realistic, and timely.

Once a report has been finalised it should be submitted to the committee that commissioned the review for approval before it may be forwarded to the Council’s Executive for consideration, and to act upon its recommendations.

If an OS committee cannot agree on one single final report to the Council or Cabinet, as appropriate, then up to one minority report may be prepared and submitted for consideration with the majority report.

**Presenting the Report**

Reports will be presented to the OS committee for approval by the Members who undertook the review.
Where the full committee has not been engaged in a review, it will be necessary to consider what additional steps may need to be taken to ensure that all its members have sufficient understanding of the issues set out in the report they are being asked to endorse. There may be merit in arranging a briefing for the committee beforehand, or use other methods to inform about the issues investigated eg a site visit.

Executive Feedback

The success, or otherwise, of a Council’s OS arrangements will be influenced by the perception that is generated by the exchange of information with the Executive on the outcomes of a scrutiny review, and what it may achieve over the longer term.

It is important that there is a clear and documented account of the Executive response to a OS committee report and its recommendations. Preferably the Cabinet (either collectively, or an individual Cabinet Member as appropriate), should clearly state whether or not individual recommendations are either accepted or rejected, together with some detail for that decision.

When reviewing the County Council’s OS development scrutineers have highlighted the importance of the Executive response to scrutiny reports, and therefore the sorts of information they are seeking in Cabinet responses are as follows:

- That the Council has the powers to act;
- How they fit in with strategic policies;
- How much they will cost;
- How they fit in with the existing budget agreed by the Council or whether additional resources are required;
- How soon the proposals can realistically be implemented; and
- Whether they can or should be phased in over time.

If any recommendation is not supported, or only partially supported, then reasons for this should be clearly stated. This will help to make the process transparent for all concerned whether or not directly or indirectly involved in a review, and make it easier to monitor action taken. If recommendations are accepted it is helpful to set out a timetable for their implementation.

Once the Cabinet has accepted any recommendations arising from a review, it will be responsible for their implementation not the OS committee, and it will be held to account over progress against them.

Once the report has been presented and the Cabinet response to the recommendations is known, this information should be fed back to all those who have contributed to the review.
Monitoring

To ensure that the review process is effective, it will be essential to monitor progress against agreed recommendations within specified timeframes.

The scrutiny report should set out the timeframe and arrangements for the monitoring of progress of any recommendations. It can do this by building in time for monitoring into the committee work programme at appropriate intervals and by asking for progress reports from officers.

Where members are not satisfied with the progress or actions taken as a result of a scrutiny review, the OS committee may decide that further scrutiny should be undertaken and this can be discussed and built into the work programme as necessary.

In practice there is a tendency for committees to seek regular updates on topics scrutinised. However, this has repercussions for a committee’s work programme and can distract attention from newer projects. Therefore, it is hoped that such practice, where possible, can be avoided. In the meantime alternative mechanisms will be considered to address members’ ongoing interest in the outcomes of popular past reviews as well as recording the longer term outcomes of past reviews.

Dated July 2013
## THE SEVEN STAGES OF THE SCRUTINY REVIEW PROCESS

<table>
<thead>
<tr>
<th>Member roles</th>
<th>Officer support</th>
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</thead>
<tbody>
<tr>
<td>The committee chooses the review topic, sets up the review team, and agrees the terms of reference</td>
<td>1. <strong>SETTING UP THE REVIEW</strong> Officers advise on proposed topics, taking into account Council priorities and other review work</td>
</tr>
<tr>
<td>The review team scopes the review, taking into account the resources available</td>
<td>2. <strong>SCOPING THE REVIEW</strong> Officers advise on scope and capacity and help to complete the scoping template</td>
</tr>
<tr>
<td>The review team gathers evidence from appropriate sources, including publications, websites, visits and meetings with the public, stakeholders and experts</td>
<td>3. <strong>GATHERING THE EVIDENCE</strong> Officers assist with research and make arrangements for meetings and visits</td>
</tr>
<tr>
<td>The review team evaluates the evidence, draws conclusions and recommendations and outlines the report</td>
<td>4. <strong>REVIEWING THE EVIDENCE AND PREPARING THE REPORT</strong> Officers support members in analysing the evidence, check recommendations and draft the detailed report</td>
</tr>
<tr>
<td>The review team or committee chairman presents the report of the executive</td>
<td>5. <strong>PRESENTING THE REPORT</strong> Officers provide advice on the most appropriate point for the report to enter the political system</td>
</tr>
<tr>
<td>The review team provides feedback to contributors. The Cabinet is responsible for the implementation of agreed actions</td>
<td>6. <strong>ACTION AND FEEDBACK</strong> Officers help to ensure that agree actions are implemented</td>
</tr>
<tr>
<td>The review team or committee monitors progress and carries out further scrutiny if not satisfied</td>
<td>7. <strong>MONITORING</strong> Officers provide progress reports as requested</td>
</tr>
</tbody>
</table>
This form is a tool that should be compiled at the start of each inquiry to set out clearly the aims and objectives of the committee’s involvement in a particular matter, and will be completed at the end of the inquiry to confirm what has been achieved. The form also provides an audit trail for a review.

<table>
<thead>
<tr>
<th>Review Topic</th>
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<tbody>
<tr>
<td>(Name of review)</td>
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</tbody>
</table>

| Committee |  |

| Terms of Reference | ie the overall objective of the review |

| Lead Member, and membership of Task and Finish Group |  |

| Key Officers / Departments |  |

<p>| Lead Scrutiny Officer |  |</p>
<table>
<thead>
<tr>
<th>Relevant Portfolio Holder(s)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Relevant Corporate Links</td>
<td>How does the issue fit in with the Council’s corporate plans and activities, and decision making timetable where appropriate eg is it in the Forward Plan?</td>
</tr>
<tr>
<td>Type of Review</td>
<td>Full Committee/ Task and Finish Group/ In depth review/ roundtable/ briefing/ etc</td>
</tr>
<tr>
<td>Timescales</td>
<td>Predicted timescales for completion of the review</td>
</tr>
<tr>
<td>Rationale for the Review</td>
<td>What is the purpose of doing the review, and who initiated the proposal? What are the broader objectives of the review and how will it add value to the Council’s activities?</td>
</tr>
<tr>
<td>Scope of the Topic</td>
<td>Specify what is to be included/excluded from the review</td>
</tr>
<tr>
<td>Include</td>
<td>The following is included in the scope of the review:</td>
</tr>
<tr>
<td></td>
<td>• TBC</td>
</tr>
<tr>
<td>Excluded</td>
<td>The following falls outside the scope of the review:</td>
</tr>
<tr>
<td></td>
<td>• TBC</td>
</tr>
<tr>
<td>Key Lines of Enquiry</td>
<td>Specify the key lines of enquiry that will underpin the initial planning of the review</td>
</tr>
<tr>
<td>Other Work Being Undertaken</td>
<td>What other work is currently being undertaken in relation to this topic that may have a bearing upon its conduct, and any appropriate timescales and deadlines for that work.</td>
</tr>
<tr>
<td>-----------------------------</td>
<td>------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>What primary / new evidence is needed for the scrutiny?</td>
<td>Identify what information is required to take the review forward, and what information is not already available.</td>
</tr>
<tr>
<td>What secondary / existing information will be needed?</td>
<td>Identify background information, performance indicators, complaints, existing reports, legislation, central government information and reports.</td>
</tr>
<tr>
<td>What briefings and site visits will be relevant to the review?</td>
<td>Reviews should aim to incorporate briefings and site visits as part of the evidence gathering process, in order to learn firsthand about issues under review and experience service delivery at a customer level.</td>
</tr>
<tr>
<td>Who are the witnesses who should be invited to provide evidence for the review?</td>
<td>Identify stakeholders who will assist with the committee’s investigation including officers, the involvement of any organisations, external contacts, the public, and type of information to be considered. As more services are delivered with partners or are shared with other Councils, scrutiny needs to ensure that those partners are an integral part of the review process, so identifying them at the scoping stage will ensure they are included.</td>
</tr>
<tr>
<td>Implications</td>
<td>In terms of topic, have the following matters been taken into consideration in the planning of this review:</td>
</tr>
<tr>
<td>--------------</td>
<td>-------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td></td>
<td>Legal implications ....................................Yes/ no</td>
</tr>
<tr>
<td></td>
<td>Financial implications ..............................Yes/ no</td>
</tr>
<tr>
<td></td>
<td>Equality and diversity issues..... Yes/ no</td>
</tr>
<tr>
<td></td>
<td>Other critical implications.............</td>
</tr>
</tbody>
</table>

| What resources are required for this review? | In planning the review it is necessary to identify what resources are required to undertake the review, and any costs associated with the committee’s activity. Given that the resource available is finite, it will be necessary to consider carefully the timing of the review within the Committee’s overall work programme. |

| Indicators of Success | What overview and scrutiny role is the committee performing in this case? What factors would tell you what a good review should look like in this case? What are the potential outcomes of the review e.g. service improvements, policy change, etc? |

| Notes | |

<p>| Provisional Timetable | Set out provisional timetable with dates to be set aside by membership for undertaking various activity associated with review. |</p>
<table>
<thead>
<tr>
<th>Audit Trail</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Date review formally proposed</strong></td>
</tr>
<tr>
<td><strong>Date of Committee’s approval of original scoping document</strong></td>
</tr>
<tr>
<td><strong>Date of Committee’s approval of Scrutiny Report</strong></td>
</tr>
<tr>
<td><strong>What was the outcome of the review?</strong></td>
</tr>
<tr>
<td><strong>Date proposals arising from review are formally forwarded to the Executive</strong></td>
</tr>
<tr>
<td><strong>How will the outcomes of the review be monitored?</strong></td>
</tr>
<tr>
<td><strong>Date outcomes of review monitored formally by the Committee</strong></td>
</tr>
</tbody>
</table>
Committees need to plan their work programmes carefully to ensure maximum benefit can be obtained from review activity and resources are deployed to maximum effect. This requires objectivity in the way that decisions upon the selection of the 'right' issues are chosen.

This guidance sets out some broad principles for the development of committee work based upon good practice including:

- The origins of items for scrutiny, and where suggestions for scrutiny may come from.
- Factors to be taken into account in the prioritisation of scrutiny items.
- Factors influencing the way in which scrutiny items are dealt with.

**Selection of topics**

Careful thought needs to be given to the selection of topics for OS review taking into account the priorities of the Council and, in liaison with the Cabinet Member and Chief Officers, to ensure that the subjects chosen are ones where a committee’s involvement can produce positive outcomes for instance in the delivery of improved services. Careful selection will also provide an audit trail to justify the choice of topics scrutinised.

Selecting the right topic and getting it right will mean tangible benefits for local people, add value to the overall work of the Council, and motivation for those involved to do more of the same.

Selecting the wrong topic will mean a lack of outcomes for local people, a waste of time for those involved and have a negative impact upon people’s perception of the scrutiny role.

While there are an infinite number of possible topics for scrutiny, members and staff do not have an infinite capacity to deal with them. Therefore, it is vital that scrutiny is focused on the things that matter most and on outcomes that will make a difference.
Topics for consideration arise from a variety of sources including:

- Member suggestions (See provision in Constitution 19.8)
- Cabinet Member referrals
- Officer suggestions
- Consultation
- New legislation
- Performance indicators
- Audit Reports
- Comprehensive Performance Assessments
- Public interest

Furthermore topics may be identified from:

- Reviewing the Forward Plan and Cabinet papers.
- Considering issues for potential policy review or development, and consulting with Cabinet Members and senior officers.
- Considering issues for in-depth review.
- Identifying ‘standard’ items for scrutiny during the course of the year and programme in at the outset.
- Considering areas for external scrutiny where there is significant community interest.
- Considering suggestions for scrutiny topics from members of the Council, the Executive, officers and the public.

Criteria for Topic Selection

By using a structured approach it could help committees to avoid poor topic selection. The application of criteria will allow a committee to assess the relative priorities of issues for review. It is suggested that each potential topic for scrutiny should be subject to the same initial selection and rejection criteria in order to determine priorities. An issue does not need to meet all these criteria, but they should be used as a way of determining priorities.

All those involved in discussing a committee’s work programme should have regard to the following criteria which will help assess the suitability of an issue for scrutiny review. At the same time consideration needs to be given as to how any reviews will be conducted. This is very important because the two processes are linked. The amount of resource required by a particular review should be a significant factor in a committee’s decision as to whether or not a review should proceed. The application of these criteria will allow a committee to assess the relative priorities of issues for review.

1. **RELEVANCE:** How relevant is the review topic to the Council and the people of the county?

2. **FEASIBILITY:** How feasible is it to undertake the review within the parameters set regarding timescale and resources?
3. **CLARITY:** How clearly defined is the review topic or does more work need doing to define the scope of the review?

4. **TIMING:** Why is it proposed to undertake the review now? Is the proposed duration of the review realistic?

5. **SUPPORT:** Are resources available to support the review? This would include member and officer time, expertise, finance, availability of information?

6. **PROPORTIONALITY/ OUTCOMES:** Are the outcomes of the review likely to justify the investment in this review?

7. **OPPORTUNITY COST:** What other reviews may have to be foregone in order to carry out this review?

8. **DUPlication:** Does the review duplicate review activity which is taking place elsewhere?

9. **PUBLIC INTEREST:** Does the need for public accountability require a review of the issue? Some reviews may be necessary even when there are no obvious outcomes for change.

10. **COMMITMENT/ ENTHUSIASM:** How strong is the commitment to undertaking the review and driving it forward to a successful conclusion?

11. **ADDED VALUE:** Are there particular advantages in OS members undertaking this review over other methods of review?

### Developing the Work Programme

OS is intended to be a member led process, and at Essex each committee will develop its own work programme.

In putting a work programme together each committee must have regard to members’ capacity to deliver the programme as well as officers’ capacity to support them in that task. It is far better to review a few topics well than to review many topics poorly.

Aside from choosing specific topics, it is important to ensure that there is capacity within a committee’s work programme for adding pertinent issues that arise during the year.

Each committee should maintain a work programme, and it is usual practice that topics that are coming up for consideration are reported to meetings on a regular basis.
Overall the work programme will:

- Meet the criteria for chosen topics;
- Be balanced – in terms of some being of longer duration and some being suitable for shorter study; and of being balanced between the various OS roles identified in legislation and Government guidance in order to ensure that value is being added in different areas by the scrutiny process.
- Be mixed in terms of covering different topics/services;
- Take into consideration the resources available to support scrutiny;
- Take account of members’ capacity so that unreasonable demands are not placed upon their time, as well as the demands upon support officers and what amount of time they can dedicate in support of the particular subject;
- Consider timescales for instance what are the deadlines in relation to other Council meetings, statutory deadlines, and the deadlines of other external partners. There should also be capacity in the timetable to enable flexibility within the work programme and the capacity to undertake ad hoc work if the committee regards it as a priority; and
- Regularly review and update the programme to ensure that new topics can be factored in and any changes accounted for.

At the end of this process a committee should have an agreed work programme, where the relative priority of items has been assessed, an indication of when each item is to be considered and how the item is to be reviewed.

A list of factors to assist in deciding how an issue is to be dealt is set out at Appendix A.

Work programmes evolve and must respond to changed circumstances. If high priority issues for review emerge, then other reviews may have to be deferred or dropped altogether. It is important therefore that each committee keeps its work programme under review at each meeting.

A topic suggestion form for councillors to propose topics for a committee’s work programme is attached at Appendix B to this section.

**Topic Selection Pitfalls**

Choosing the topics to be scrutinised is perhaps the most important part of the scrutiny process. The subject chosen does not need to be ground breaking
but it does need to be significant and focus on issues that make a positive contribution to improving the Council’s performance.

Some of the pitfalls that have been identified when selecting a topic are outlined below:

- The rationale for the committee’s involvement is unclear
- The rationale for scrutiny is unclear
- The topic is of low public concern
- The topic does not address aims and priorities
- The topic duplicates work that has already been undertaken or is in progress
- The topic could be adequately addressed by other means and procedures

Dated July 2013
Appendix A

The following factors will be relevant in deciding how an issue is to be dealt with:

<table>
<thead>
<tr>
<th>RELEVANT CONSIDERATIONS</th>
<th>ACTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Issue of limited relevance</td>
<td>No review</td>
</tr>
<tr>
<td>• Limited benefits likely to arise from any review</td>
<td></td>
</tr>
<tr>
<td>• Limited commitment to the review</td>
<td></td>
</tr>
<tr>
<td>• Issue not identified as a priority for review</td>
<td></td>
</tr>
<tr>
<td>• Issue unsuitable for review</td>
<td></td>
</tr>
<tr>
<td>• Issue outside of terms of reference of the committee</td>
<td>Reference to another councillor body or officer</td>
</tr>
<tr>
<td>• Issue more appropriate for another committee</td>
<td></td>
</tr>
<tr>
<td>• Issue already being considered elsewhere</td>
<td></td>
</tr>
<tr>
<td>• Issue more appropriately considered under the Council’s complaints procedure</td>
<td></td>
</tr>
<tr>
<td>• Discussion by the Executive more appropriate at this stage</td>
<td></td>
</tr>
<tr>
<td>• All or part of issue falls outside the terms of reference of the committee</td>
<td>Reference to the meeting held by the OS committees’ chairmen</td>
</tr>
<tr>
<td>• Complexity of the issue requires detailed examination better undertaken by an ad hoc panel</td>
<td></td>
</tr>
<tr>
<td>• Cross cutting issue which may require review by an ad hoc panel</td>
<td></td>
</tr>
<tr>
<td>• Issue is of interest but not a priority at present</td>
<td>Add to work plan as a possible future review topic</td>
</tr>
<tr>
<td>• Appropriate to delay scrutiny pending other events</td>
<td></td>
</tr>
<tr>
<td>• Nature of issue unclear and more information is required</td>
<td>Request for information via other communication channels</td>
</tr>
<tr>
<td>• Issue does not warrant discussion by committee at this stage</td>
<td></td>
</tr>
<tr>
<td>• Issue needs discussion in public forum</td>
<td>Request for report to committee</td>
</tr>
<tr>
<td>• Nature of issue is unclear and more information is required</td>
<td></td>
</tr>
<tr>
<td>• Issue may require member or officers to be questioned to clarify issues</td>
<td></td>
</tr>
<tr>
<td>• Nature of issue is unclear and more information is required</td>
<td>Chairman or 2/3 members to investigate and report</td>
</tr>
<tr>
<td>• Nature of issue may be unsuitable for officer</td>
<td></td>
</tr>
<tr>
<td>report</td>
<td>back to the committee</td>
</tr>
<tr>
<td>------------------------------------------------------------------------</td>
<td>----------------------------------------------</td>
</tr>
<tr>
<td>• Issue may benefit from individual investigation by members</td>
<td></td>
</tr>
<tr>
<td>• Issue requires examination but not necessary for whole committee</td>
<td></td>
</tr>
<tr>
<td>• Complexity of issue requires examination over a number of meetings</td>
<td>Committee to set up review panel or working group</td>
</tr>
<tr>
<td>• Issue more easily reviewed by a smaller group of members</td>
<td></td>
</tr>
<tr>
<td>• Issue addressed as a priority for in-depth review</td>
<td></td>
</tr>
</tbody>
</table>
Request by a member of the council for a scrutiny review

Please refer to the guidance notes overleaf before completing this form

Suggested topic for scrutiny review:

Reasons for suggesting this topic:

Supporting evidence

Desired outcome:

Name : Councillor
(Please print)

Date:

I have the support of the following members (if applicable):

Please complete and return the form to xxx. Please contact the Scrutiny Team on xxx if you have any queries about completing this form.
GUIDANCE NOTES FOR SCRUTINY TOPICS SUGGESTION FORM

1. Suggestions for topics for scrutiny reviews can be made by any Essex County Councillor by completing the form overleaf and sending it to the

2. A member can request a committee to consider undertaking a scrutiny review into an important subject or matter of concern in the County. Topics need not relate purely to services provided by the council and could cover any matter affecting Essex residents.

3. The council focuses its scrutiny reviews and activities on the things that matter most and on outcomes that can make a real different to local people. The council does not have the resources to look at everything that might be suggested and therefore has to prioritise. The topic selection criteria and process is set out in the Member Scrutiny Handbook, of which all members have received a copy. It is suggested that members refer to this when filling in their reasons for suggesting a topic for review.

4. Committees will not undertake a scrutiny review if the suggested topic:
   - Is a minor matter or of individual concern, which is not of wider community significance;
   - Falls within the council’s complaints procedure;
   - Is a matter subject to legal proceedings;
   - Is already being addressed;
   - Is prejudicial to the council’s interests;
   - Falls within the council’s disciplinary or grievance rules and procedures;
   - Is unlikely to result in improvements for local people;
   - Is a matter appropriate for the Standards Committee;
   - Review costs will outweigh benefits/outcomes of the review.

5. Suggestions for scrutiny reviews by members will be considered by the next available meeting of the relevant formal overview and scrutiny committee and assessed using the topic selection criteria and process. If the topic is selected for scrutiny review it will be timetabled into the committee’s work programme as appropriate.

FOR OFFICE USE ONLY

Date received: ……………………………………… Date acknowledged:…………………

Date to be considered by O/S committee: …………………………………………………

Decision: Select ☐ Reject ☐ Reserve ☐

Date decision notified to suggesting member: ………………………………………………

Notified by: …………………………………………………
Overview and Scrutiny Handbook:
Information and Research

Contents of this section:

- Identifying information needs
- Types of information
- Sources of information
- Making effective use of information

One of the keys to success in overview and scrutiny (OS) working is strong, up-to-date information and a good evidence base. It is helpful to bear the following points in mind when considering information requirements and dealing with evidence.

Identifying information needs

It is vital to ensure that good quality information and evidence underpins a committee’s work. Information comes at a cost and its use should be considered carefully at the beginning of any inquiry or review. Effective acquisition of information, information flows and its effective handling, analysis and use can be enhanced by:

1. Being very clear about the scope and intention of any inquiry:
   - develop a brief for each item, topics for panels, etc. and include clear focus, scope, key witnesses, partners and core issues;
   - ensure this is available to all who may have information to contribute; and.
   - match the information requirements to the size, strategic significance and importance of the inquiry and to the time available.

2. Setting parameters:
   - identify key questions and the core information required to answer these.
   - be direct and specific about what is wanted.
   - determine the right level of detail needed.

3. Considering issues of capacity and resourcing.

4. Pre-planning:
• determine what information is easily accessible and what would need further time and cost to acquire.
• plan where, when and from whom written evidence is required.
• consider whether this is to be followed up with face-to-face questioning.

5. Balancing existing evidence against the intentions of the review, to avoid overlap and duplication of effort in acquiring information.

6. Giving clear direction to officers.

7. Providing witnesses with a clear statement of what the inquiry is about, its intention and details of any relevant questions or areas of inquiry.

8. Developing and publishing a work programme to give good advance notice to those who may want to contribute or keep themselves informed.

**Types of information**

Targeted information can help put an inquiry into context and aid understanding. It can help paint a picture, audit a service, illustrate performance or identify where change is needed. Information may be hard/quantifiable or soft/qualitative.

Different types of useful information include:-

1. Statements of policy, objectives and strategy; service plans; and expected targets and performance standards.


4. Service take-up.

5. User satisfaction, including complaints.

6. Public views, including results of consultations.

7. Evidence of non-use.

8. Comparative information from other local authorities, other agencies and organisations or the private sector.

9. Academic thinking and papers.

10. Government and local government organisations guidance and other professional material.
Committees should be clear about the format in which information needs to be provided or acquired and consider how the information will be gained and tested.

**Sources of information**

Though committees have access to all County Council staff and can use the full resources of the County Council for information, research and investigation, many others will be well placed to provide information. Members should be prepared to work without officers and not automatically expect officers to provide all the material needed.

Different sources of information might include:

- Service users and non-service users
- Carers
- Young people
- Front line staff
- Other Councillors
- Members of the committee itself
- Members serving on other committees
- Councillors from other authorities
- Partner agencies
- Local interest groups, organisations and businesses
- External witnesses and experts, researchers and academics

Committees should be sensitive to contributors' skills and preferences and to time constraints they may have. There is a need to recognise the needs of invited witnesses and to give plenty of notice and pay appropriate expenses.

Other places where information (or views) may be obtained include:

- Libraries
- Local and national media
- The Intranet and the Internet
- Conferences

**Making effective use of information**

When seeking information and evidence, and assessing its quality and relevance; Members should:-

1. Keep focused on what is being investigated and examined and why.

2. See the subject in the round and try to find 'the truth' – actively seeking 'outside' knowledge and views and a wide range of perspectives, as well as information.
3. Evaluate information and be aware of possible bias in information, such as who has provided it and from what perspective.

4. Avoid 'paralysis by analysis' – avoid overload or being 'driven by data'.

5. Don't let information drive out good ideas.

6. Ask the obvious questions, the important questions, the difficult questions and the questions that the public want answering.

7. Ensure that officers understand and are able to respond to changing Member requirements:
   - Value officer’s advice
   - Encourage openness to being questioned
   - Cross examine them honestly

8. Listen effectively – to users, non-users, and providers.

9. Listen objectively and encourage contributors by matching questioning styles to different speakers.

10. Provide feedback to contributors.

11. Develop Members' roles as channels to local people.

Dated July 2013
Overview and Scrutiny Handbook:

Skills for the Scrutineer - Scrutiny Listening and Questioning Techniques

Contents of this section:

- Listening in Groups:
  Positive listening
  What to avoid
  Ten tips for effective listening
- Effective Questioning:
  Good Questions
  Strategies for Questioning
- Barriers to Listening and Questioning
- Questioning Styles

The ability to extract information through questioning is one of the most important skills for members of OS committees. When participating in a scrutiny meeting members should remember that the aim of the meeting is not to catch witnesses out, but to gain important information that will help them to form recommendations. While asking difficult questions may be acceptable, destructive and hostile questioning will prove to be counter-productive.

Members cannot possibly be an expert in every field under scrutiny and may feel uneasy questioning witnesses who are experts in a particular area. However, questioning from a position of naivety can be beneficial as it enables members to challenge the accepted wisdom of officers and better represents the perspective of the community. Sometimes the questions are the most simple:

- Why do we do this?
- Why do we have to offer this service?
- Why do we do it in this manner?
- Why is it not joined up?
- What difference has this made?
- Why do we do one thing instead of another?
- Why has this approach been adopted?
- How does this fit with existing plans?
- How well does this reflect community priorities?
- What are the strengths and weaknesses of doing it this way?
- What are your views on doing ‘x’ or ‘y’?
- How is this being done elsewhere?
- What are the things you would do to make a difference?
- What are the main barriers that you want to break down?
Even where subjects are highly complicated, using simple questions asked in layman’s terms will help to ascertain the required evidence. Asking these simple questions can also help to ensure that the information is provided in a less complex format in future by highlighting the areas that are not easily understood.

Developing more effective questioning skills is explored later on in this section. However, closely aligned to questioning is the way that we develop our listening skills in meetings.

**Listening in groups**

It is important to be able to listen effectively when several people are present. Within groups, individual contributions must necessarily decrease, so the listening role becomes even more important. Since effective listening is a tiring process, there is always a possibility of ‘shutting off’, impatience, talking over others, interrupting and other bad habits.

Keeping constantly aware of the overall objective of the inquiry, the meeting or the occasion may aid positive listening.

**Effective Listening**

Ten tips for effective listening:-

1. **Be prepared to work hard at listening.** Courtesy counts. Concentrate on what the speaker is saying. Try not to be distracted by the environment. Avoid side conversations whilst others are speaking.

2. **Demonstrate interest and involvement.** Use attentive body language by an open and relaxed posture facing the speaker, maintaining good eye contact (without staring), using appropriate facial expressions, avoiding fiddling with papers and pens, and interrupting.

3. **Find areas of interest.** Try not to ignore dry subjects.

4. **Withhold judgement or evaluation** until the entire point has been presented. Listen and learn and defer judging until you fully understand what the speaker means. Defer probing until you have a rounded picture of what the speaker is saying.

5. **Judge content not delivery.** Overlook errors in delivery and try not to get irritated or “turn off” if delivery is poor.

6. **Listen for ideas and central themes.** Avoid focusing too much on individual facts and overlooking the bigger picture.

7. **Keep an open mind.** Try not to react to emotive /emotional ideas. Don’t enter into arguments.
Allow sufficient time both for the speaker to develop what they want to say and for follow up.

Help the speaker to get their points across clearly. Be clear about the level of information required.

Clarify and summarise, and reflect back points to the speaker to check understanding.

What to avoid:

- Rejecting views and ideas that conflict with your own.
- Listening selectively – listening only to those points which support your own ideas.
- Giving up when faced with complex or challenging material. Be prepared to grapple with difficult material, and work at understanding.
- Pre-judging the person or what they might say.
- Trying to think up your next response whilst another person is talking.
- Wandering off into your own thought and loosing the thread of what the speaker is saying. Push your own thoughts and feelings to one side when you become conscious of them.
- Interrupting or being overeager to respond.
- Reacting emotionally to personal ‘red rag’ word or opinions.
- Finishing people’s sentences for them (you could be wrong).

Effective Questioning

1. Good questions

A good question:

- has a definite aim or purpose.
- is relevant.
  - is clear and unambiguous.
- can be understood by the respondent.
is asked well.

is timed appropriately.

Information on questioning styles is attached at the Appendix.

2. Strategies for questioning:

- Be very clear in advance about the intention of any inquiry. Plan whether to receive evidence in written form or face-to-face. Prepare thoroughly and give contributors sufficient information to enable them to participate effectively.

- Avoid conflict, aggression and competition within inquiries or meetings leading to a win-lose approach. Groups with a higher level of cooperation tend to be more effective than those where competition is prevalent. Being orientated towards the overall objective of the inquiry rather than in 'winning' will improve the ability of potentially opposed individuals to listen to each other.

- Perceptions of power or influence (or lack of it) of a person may affect the amount of attention other members pay to his or her contributions. Be clear about why people are participating, and value their contributions.

- Encourage contributions from everyone, including quieter people, whose hesitant contributions may have more to offer than confident or verbose ones. Move on to probing questions as the speaker becomes more settled and confident.

- Establish trust and openness within the committee.

- Take personal responsibility for participating in inquiries. Focus on asking questions to elicit responses, not contributing your own thoughts and ideas.
  
  o Ensure your contributions are clear and concise.

  o Do build on other group members’ contributions.

  o Do ask for clarification if you haven’t understood.

  o Do ask questions to aid wider comprehension.

  o Do keep the overall purpose of the inquiry in mind.

  o Do probe, but avoid establishing competition and conflict or asking questions that only seek points that can be destroyed or criticised.
o Avoid selfishness – trying to be ‘in the limelight’.

o Avoid interfering – I can’t wait to listen to your question, I want to ask mine’.

o Avoid sub-meetings within the meeting.

• Empathetic and supportive body language, including ‘mirroring’ postures, may help to put nervous speakers at ease.

**Barriers to Listening and Questioning**

Recognise and plan and work to avoid the following barriers:-

(1) A poor environment with noise, insufficient or too bright light, uncomfortable seating, poor layout or poor lines of sight.

(2) Individuals special needs not taken account of.

(3) Contributors not well or tired.

(4) Lack of clarity on why speakers/questioners are there and what they are trying to achieve.

(5) Use of jargon/acronyms/first names only and other approaches designed to close people out.

(6) Entrenched ideas/opinions.

(7) A dislike of having pet ideas, prejudices and points of view overturned.

(8) Perceiving a person as having little or nothing to contribute.

(9) Using prior knowledge of past behaviour or attitudes shown by a person (which can lead to hearing what is expected, not what is actually said).

Dated July 2013
Questioning Styles

Do use:

**Open questions** as they encourage the witness to talk and expand upon the issue. Open questions are one of the best ways to extract information. The key prefixes for an open question are What? How? Why? Examples include:

- What do you consider to be best about the service?
- How did you establish x as a priority for the service?

Open questions can also be formed through phrases such as:

- Tell me about a time when……
- Explain to me how you…..

Using open questions can form a basis for asking further probing questions based on the answer to the initial question. For example:

You say that you did…can you give me an example of how you carried that out?
I was interested to hear you say…can you tell me more about that?

**Hypothetical questions** can help to test out ideas for recommendations and can also be useful in obtaining evidence. For example:

If x was possible how would this change your strategy?

**Behavioural questions** can help to get evidence of how an organisation might carry out a task in future by using examples of past behaviour. For example:

- What process has the organisation used in the past to achieve the outcome?

Questioning styles that should not be used:

**Closed questions** are those that can be answered in a single word. While closed questions can be useful in clearing up points of fact, they are unlikely to yield much further information.

Does your organisation do x?

**Leading questions** make it clear to the respondent what answer is expected and are unlikely to yield genuine answers. For example:

- We know from experience that x works, what is your experience of x?
Asking a question in this format makes it very difficult for the respondent to give an honest answer.

**Double-headed questions** ask more than one question at a time. They can either confuse a respondent, or ensure that the respondent answers only the part of the question that they are comfortable with. Both questions might be valid lines of enquiry, but it would be more productive to ask them separately:

- If your organisation has the responsibility to do x how is this measured, and how does x fit into the regional strategy?

Multiple choice questions offer a number of possible answers, but do not ask for any real explanation. For example:

- Do you believe that x, y, or z is the best way forward?

This checklist is intended to act as an aide memoire, helping Members to be more effective when they undertake inquiry work.
By law, Overview and Scrutiny must have the right to 'call-in' decisions - i.e. ask the decision-maker to think again, or to refer the decision to the full council if it is believed that the decision-maker has taken a decision in contravention of the council's budget or policy framework.

An overview and scrutiny committee may call-in a decision made by a Cabinet Member that falls within its remit. Call-in should only be used in exceptional circumstances. Day-to-day management decisions or routine operational are not be subject to call-in.


With particular reference to a Call In under Article 9.5 of the Constitution –

‘Each Overview and Scrutiny Committee shall exercise the function of call-in of a decision made by a Cabinet Member which falls within its remit in order to consider whether:

(i) to refer the decision back to the person who made it; or

(ii) to refer the matter to the full Council to decide whether to refer the decision back to the person who made it; or

(iii) accept the decision be implemented.’

The Call-In arrangements are set out in the Constitution in Overview and Scrutiny Committee Procedure Rule 19.14. There is a window of three working days between the notification of the decision (when it is placed on public deposit) when a call-in can be requested.

A copy of the procedure for dealing with Call-Ins is attached at the Appendix to this guidance, together with a template to be completed by a Committee Member calling in a decision.
Appendix
Overview and Scrutiny Committees

Procedure for dealing with Call-ins

Introduction
1. All parties will be advised of this procedure each time an executive decision is called in.

Constitution

Notification of call in
3. The notification of call in should be set out in the format attached to this document.

Receipt of call in
4. On receipt of a valid notice of call-in made in accordance with Overview and Scrutiny Committee Procedure Rule 19.14 the Governance Officer will (a) arrange for the notice to be acknowledged in writing; (b) for the decision taker to be formally notified in writing of the receipt of a notice of call-in; and (c) for the Chairman of the Committee to be informed where the Chairman is not a party to the call-in.

Reasons for call in
5. The member giving notice must in accordance with Procedure Rule 19.14 set out in writing the reasons for calling in the decision. It is important to get this right. If the call in reaches the Committee stage, the debate, including any evidence from witnesses, will be restricted to the grounds given for the call in. In addition, where the decision is being called-in following representations made by a Councillor who is not a member of the Committee, with that Councillor’s agreement he/she should be identified in the reasons for the call-in and can therefore be acknowledged in the rest of the procedure.

Informal meeting
6. The informal meeting stage of the arrangements is of great value and could take a number of forms. If it is decided to proceed via an informal stage and no other arrangements emerge, the Governance Officer will, as a matter of urgency, liaise with all interested parties to set up an informal meeting. Where the call-in has been made as the result of representations from a councillor who is not a member of the Committee, that councillor will be invited to attend the informal meeting. The Governance Officer will normally attend the informal meeting and will within 24 hours produce a note for circulation to all parties to the meeting for approval.
7. Where at the informal meeting stage assurances are given by or agreements reached with Cabinet Members and the Governance Officer is not present to take a note then those assurances/agreements should subsequently be confirmed in writing.

8. A report of any call-ins that are withdrawn as a result of an informal meeting will be included on the Agenda for the next meeting of the Committee.

Committee stage
9. If the call-in is not withdrawn as a result of the informal meeting or an informal meeting is not held it will go to the Committee. The Committee should meet within 10 clear working days of the notice of call-in. Wherever possible scheduled meetings of the Committee will be used. Where this is not possible the Governance Officer will liaise with the parties concerned and the Group Spokespersons on the Committee to arrange a special meeting.

10. The Governance Officer will liaise with the parties concerned on behalf of the Chairman of the Committee to ensure that all those with a reasonable interest in the decision have an opportunity to be represented at the meeting, including any councillor whose representations have led to the call-in.

Call ins relating to Schools issues not dealt with by the People and Families Scrutiny Committee)
11. If the Call-in relates to a Schools issue then the representatives of Parent Governors and Diocesan Education Committees must also be invited and would have the right to vote on that particular item. This should be confirmed on the notification of call in.

(It should be noted that where the Education representatives attend with voting rights affecting the numbers eligible to vote on the Committee, the Administration is ultimately entitled to a natural majority of one over all other voting members.)

Information to be available for the Committee
12. The Committee will automatically be provided with copies of the decision, the reasons for the call in and the note of any informal meeting as part of the Agenda papers put together by the Governance Officer. As much additional evidence as possible should be provided in advance of the meeting and in writing of not more than two sheets of A4. Should the occasion arise where more than two sides of A4 are required, the Governance Manager will exercise his discretion as to whether this be allowed. This applies also to any statement to be made by outside witnesses. Maps and plans should also be made available where applicable. The intention is that the Committee should have a proper opportunity to assess the information being provided by both sides and to seek additional clarification as necessary.
Calling of witnesses
13. Witnesses may be called by either side. They will be expected to speak to the reasons for the call in. They will normally be given a maximum of three minutes each to address the Committee, subject always to the discretion of the Chairman. When calling witnesses attention should be given to the quality rather than the quantity of witnesses. Each witness should have something new and relevant to say to the Committee. The Chairman will exercise his discretion to curtail any witness simply repeating anything that has already been clearly explained.

Committee meeting
14. The procedure at the meeting will be as follows:
- The councillor responsible for the call in will be given the opportunity to make the case for calling in the decision.
- Any local member associated with the call in will then be invited to speak.
- Other interested parties will then provide evidence to the Committee.
- The Cabinet Member will then be given the opportunity to answer the case and seek to justify the decision taken.
- There will then be an opportunity for other members of the Committee to ask questions.

Chairing the meeting
15. The member responsible for the call in should not also Chair the meeting. If the Chairman is responsible for the call in the Vice-Chairman should take the Chair for that item. In the absence of the Chairman the Vice-Chairman should not take the Chair if he/she is responsible for a call in to be discussed at that meeting. If it is known that neither the Chairman nor the Vice-Chairman will be available to Chair the meeting arrangements will be agreed in advance with the Group Spokespersons.

Action following the meeting
16. Following consideration of a call-in by the Committee, the Governance Officer will liaise with the Chairman and Group Spokespersons to agree the formal notification of its decision to go to the interested parties and, if the call-in is referred to Council, to agree the wording of the report to Council.
Notification of Call-in

<table>
<thead>
<tr>
<th>Decision title and reference number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cabinet Member responsible</td>
</tr>
<tr>
<td>Last day of call in period</td>
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<table>
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<tr>
<th>Reasons for Making the Call in</th>
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<table>
<thead>
<tr>
<th>Signed:</th>
<th>Dated:</th>
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<table>
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<tr>
<th>For completion by the Governance Officer</th>
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<table>
<thead>
<tr>
<th>Date call in Notice Received</th>
<th>Date of informal meeting</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Does the call in relate to a Schools issue</th>
<th>If yes, date when Parent Governor Reps and Diocesan Reps invited to the meeting</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Date of Executive Scrutiny Committee Meeting (if applicable)</th>
<th>Date call in withdrawn / resolved</th>
</tr>
</thead>
</table>

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Overview and Scrutiny Handbook

Petitions

Essex County Council has adopted a Petitions Policy, which is set out in full on its website: www.essex.gov.uk.

The Council’s response to a petition will depend on what the petition asks for and how many signatures it has.

Overview and Scrutiny Committees

If the petition requests a senior Cabinet Member/ Council officer to give evidence at a public meeting about something for which the Cabinet Member or officer is responsible and is supported by at least 2,000 signatures then the relevant Cabinet Member or officer who will give evidence at a public meeting of the appropriate overview and scrutiny committee. The people who can be called to give evidence are:

- Cabinet Members
- Various Senior Management
- Any Deputies who report directly to the above officers.

The relevant overview and scrutiny committee will decide who will be permitted to give evidence at a meeting. The petition organiser will be given five minutes to present the petition at the meeting, and the petition will then be discussed by Committee Members for a maximum of 15 minutes. Committee Members will ask the questions at this meeting, but the petitioner will be able to suggest questions to the Committee Chairman by contacting the Designated Scrutiny Officer up to five working days prior to the meeting.

The Committee must consider its response to the petitions and call in, and the Minutes of the meeting will record what action the Committee proposes to take. The Committee does not have the power to make decisions.

Ultimately a Committee may decide to take no further action in respect of a particular petition, or to make recommendations to the Cabinet Member.
The following Overview and Scrutiny Media Protocol was originally considered by the Scrutiny Board in November 2010.

ESSEX COUNTY COUNCIL
OVERVIEW AND SCRUTINY MEDIA PROTOCOL

This Protocol governs Essex County Council’s approach to communications for its Overview and Scrutiny function when dealing with the Media. It is to be used in conjunction with any other County Council media policy, rather than as a replacement.

It applies to the publication of Overview and Scrutiny review reports and dealing with any resulting enquiries from the Media. It identifies key spokesmen, guides how press releases may be issued and media enquiries are responded to, and explains the role of the Council’s Communications Team in this process.

Background

The media has an important role to play in providing information to the public about the Council and its policies, decisions, services and activities.

The Overview and Scrutiny process will inevitably generate media interest as it contributes to the effective running of the Council, and makes recommendations to the Executive and the Authority as a whole.

This protocol is intended to set out guidance for Councillors and Officers and to ensure appropriate publicity for the work of scrutiny.

Key Spokesmen on Overview and Scrutiny

The key media spokesman on any issue directly related to overview and scrutiny will be the Chairman of the individual Policy and Scrutiny Committee involved. As key spokesperson the Chairman may be consulted about any media interest in relation to matters currently being investigated by the Committee and reporters may be directed to them for comment. They may also be quoted or featured in publicity such as press releases and photo calls. The key spokesman will represent the views of the Committee and not their own personal or party political views.

On issues which relate more generally to the work of the Council as a whole and its services and which are not specifically related to the Overview and Scrutiny function the key spokespeople are the Leader or relevant Cabinet
Member. However it may be appropriate on some occasions for these media issues to be referred to an overview and scrutiny spokesman for advice.

**Press releases and statements - Publicising the work of Overview and Scrutiny**

The Communications Team’s role in publicising the Council’s services, policies, and plans includes issuing press releases and statements on issues relating to overview and scrutiny. It is crucial matters that may provide an opportunity for positive publicity or which may be contentious are identified well in advance so that plans can be made for dealing with them. The Overview and Scrutiny Governance Officer will liaise with the Communications Team to identify such issues in advance.

Where a press release or statement is needed to publicise the work of an Overview and Scrutiny Committee to respond to media interest, the Communications Team will liaise with the relevant key spokesman on content and a suitable quote, and also with relevant officers for factual information. At the commencement of a review, consideration will be given by the Chairman and the Communications Team to the issuing of a press release. Further press releases will be considered as the review progresses, culminating with publicity when the final report is published and any follow up.

**Publication of a Scrutiny Report**

On publication of a review the Governance Team will arrange for the publication of the Scrutiny Report on the Council’s website, and any other publicity that may be appropriate.

**Media enquiries**

All enquiries from the media relating to overview and scrutiny issues will either be referred directly to the relevant key spokesman or discussed with them and relevant officers prior to an appropriate response being given by the Communications Team.

**Individual Members**

It is the prerogative of individual members of Overview and Scrutiny Committees to make their own statements relating to their involvement. However they are advised to liaise with appropriate spokespersons and officers on media issues simply to ensure a consistent, professional and co-ordinated approach.

**Party politics**

Nothing in this protocol precludes any political group from issuing its own media information. However this should not be done through the Council’s Communications Team and it must be made clear that the information has not come from the Council. The work of the Communications Team including the
issuing of press releases, is carried out on behalf of the corporate Council and should not be party political, as specified in the Government’s Code of Practice on Local Authority Publicity.
This report is issued by
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