Worcestershire County Council
Guide to Overview and Scrutiny

July 2012

www.worcestershire.gov.uk
Contents

INTRODUCTION 1

OVERVIEW AND SCRUTINY STRUCTURES 2
- The Overview and Scrutiny Performance Board (OSPB) 2
- Overview and Scrutiny Panels 3
- Health Overview and Scrutiny Committee (HOSC) 3
- Scrutiny Task Groups 4

WHAT IS SCRUTINISED? 4
- Scrutiny Work Programme 4
- Pre-decision scrutiny 6
- Performance of Council Services 6
- The Council's Budget 6
- Crime and Disorder Scrutiny 7
- Councillor Call for Action 7

HOW IS SCRUTINY CARRIED OUT? 8
- Scrutiny reviews 8
- Short scrutinies 8
- Call-In 8
- Support for overview and scrutiny 10

WORKING WITH DISTRICT COUNCILS 11

Appendix 1 The Scrutiny Process 12
Appendix 2 Councillor Call For Action (CCfA) Request 20
Appendix 3 Framework for Joint Overview and Scrutiny in Worcestershire 22
INTRODUCTION

Overview and scrutiny councillors can review anything which impacts upon the well-being of Worcestershire’s residents. They do not make decisions but make recommendations to the County Council’s executive members (the Cabinet) and relevant partners, to support improvements in service or policy development. They are a key part of the checks and balances to hold the Cabinet to account.

All councillors who are not on the Cabinet can be involved in overview and scrutiny, although no member may be involved in scrutinising a decision with which he/she has been directly involved.

Overview and scrutiny aims to add value to the Council's decision-making process and make a positive contribution to policy development by:

- Supporting the Council in achieving its vision for the county and its strategic aims and priorities
- Promoting open and transparent decision-making, democratic accountability and to hold the Cabinet to account for its actions
- Promoting continuous improvement, best practice and innovation in Council services

The key roles are:

- To hold the Cabinet to account
- To review or scrutinise decisions made or actions taken by Cabinet or Council in connection with discharge of any of the Council’s functions
- To review or scrutinise the performance of the Council and the Cabinet in relation to policy objectives, performance targets and/or particular service areas
- To make reports and/or recommendations to Council or the Cabinet in connection with the above or on any matters affecting the county or its inhabitants

Overview and scrutiny members are a key resource for the Council. It is important that this resource is used to best effect and that members achieve the ambitious role set out in the 2011-2016 Corporate Plan:

“We will upgrade the role of the scrutiny system to act more as an early warning system for us and as a source of information for the public. We anticipate the Overview & Scrutiny Performance Board addressing the questions of localism, transparency and transformation in order to guide our overall direction”.

This guide describes the political structures set up to carry out overview and scrutiny in Worcestershire and outlines the processes.
OVERVIEW AND SCRUTINY STRUCTURES

In June 2009, Council agreed to set up an Overview and Scrutiny Performance Board (OSPB) which is the Council’s overarching overview and scrutiny committee.

Council also established four Overview and Scrutiny Panels.

- Children and Young People Overview and Scrutiny Panel
- Adult, Care and Well-being Overview and Scrutiny Panel
- Environment and Economy Overview and Scrutiny Panel
- Resources Overview and Scrutiny Panel

There is also a Health Overview and Scrutiny Committee which scrutinises local health services.

The Overview and Scrutiny Performance Board (OSPB)

The OSPB usually meets on a monthly basis. It is politically balanced and chaired by a councillor from an opposition group who is not a group leader. There are seven other members, four of whom are Chairmen of the overview and scrutiny panels and one who is the Chairman of the Health Overview and Scrutiny Committee. Additionally there are four non-councillor co-optees, two representing parent governors and two representing church groups, who are members of the OSPB when it is dealing wholly or in part with education matters.
The role of the OSPB is to:

- Set out an outline work programme for scrutiny, which will be agreed by Council
- Commission scrutiny work through itself, scrutiny task groups, or the overview and scrutiny panels
- Be responsible for ensuring that scrutiny carries out its performance monitoring role
- Comment itself, or through the overview and scrutiny panels, on the Council's key plans (policy framework)
- Decide whether and how call-in requests are pursued
- Deal with the budget scrutiny process
- Ensure that scrutiny is carried out effectively
- Highlight member training needs for scrutiny
- Act as the County Council’s Crime and Disorder Overview and Scrutiny Committee

**Overview and Scrutiny Panels**

Overview and scrutiny panels generally meet every two months but can meet more frequently if the need arises. Each panel is politically balanced and consists of eight members. The Chairmen of the panels are also members of the OSPB. The Children and Young People Overview and Scrutiny Panel also has four non-councillor co-optees, two representing parent governors and two representing church groups.

The scrutiny programme for each panel will be commissioned and agreed by the OSPB and may comprise:

- Performance monitoring
- Budget scrutiny
- Pre-decision scrutiny
- In depth reviews
- Short scrutinies (one-off meetings)
- Updates on progress on previous scrutinies

**Health Overview and Scrutiny Committee (HOSC)**

The Health Overview and Scrutiny Committee (HOSC) reviews and scrutinises local health services. The HOSC consists of eight county councillors and six co-opted district councillors. The Chairman of the HOSC is a member of the OSPB. Its role is to:

- review and scrutinise any matter relating to the planning, provision and operation of health services in Worcestershire
- respond to consultations from the National Health Service on any proposal for a substantial development of health services in the area, or for a substantial variation in the provision of such service
- review and scrutinise the impact of the Council’s services and of key partnerships on the health of residents in the county

The HOSC may delegate responsibility for certain district focussed scrutiny exercises to District Councils, subject to the County Council’s strategic policies and budget provisions being adhered to.
Whilst adhering to the Council’s principles underlying scrutiny, the way health scrutiny operates is also subject to Department of Health guidelines and is required to produce an outline overview and scrutiny programme that has been discussed with local health bodies.

**Scrutiny Task Groups**

The OSPB can commission a time-limited scrutiny task group to carry out an in-depth scrutiny review to look into a policy or a service of the Council.

Membership is open to any Councillor who is not a member of the Cabinet. Task Groups do not need to be politically balanced but are usually cross party. It is also appropriate to co-opt other people for their specific expertise in the area being scrutinised. They are not committees of the Council and therefore not subject to access to information regulations, though they work as transparently as possible.

The process for carrying out an in-depth scrutiny review is set out in Appendix 1.

At the end of the review the Task Group submits its report and recommendations to the OSPB for approval. The report then goes to Cabinet for consideration and on occasions also to Council.

**WHAT IS SCRUTINISED?**

**Scrutiny Work Programme**

Choosing the topic to be scrutinised is perhaps the most important part of the scrutiny process. The subject chosen does not need to be groundbreaking or innovative, but it does need to be significant and focus on issues that make a positive contribution to improving the Council’s performance and services for residents.

The scrutiny work programme is developed by the OSPB following the process below.

**Suggesting topics**

Possible subjects for scrutiny can be suggested by:

- all elected members – including Council
- co-opted members
- officers
- the Cabinet
- local organisations
- residents

The County Council’s Forward Plan and performance management information are other key sources for potential topics.

The OSPB will determine the scrutiny programme, often following a workshop involving scrutiny members.
Criteria for choosing topics

To ensure transparency, the OSPB will choose a topic for scrutiny against a number of criteria listed below. The issue does not need to meet all these criteria, but they should be used as a way of determining priorities.

The scrutiny should meet the following criteria:

- Is the issue a priority area for the Council?
- Is it a key issue for local people?
- Will it be practicable to implement the outcomes of the scrutiny?
- Will it result in improvements to the way the Council operates?
- Are improvements for local people likely?
- Does it examine a poor performing service?
- Has it been prompted by new Government guidance or legislation?

Other points also need to be taken into account when considering whether to review a particular issue:

- Is the subject specific – so it is clear what is being scrutinised?
- Is it achievable within the timescale allowed?

The following criteria may help the OSPB to identify issues that are not for scrutiny:

- Issue already being examined by another body
- Matter is sub judice or prejudicial to Council’s interests
- Specific case falling within complaints procedure
- Individual disciplinary or grievance matter

The scrutiny programme overall will:

- meet the criteria for chosen topics
- be balanced – in terms of some being of longer duration and some being suitable for shorter study
- be mixed – in terms of covering different topics/directorates
- be not so onerous that there is no flexibility and room left for additional item(s), such as call-ins, to be added in at a later time if the OSPB regards it as a priority
- take into consideration the resources available to support scrutiny
- fit with the Council’s performance monitoring processes, budget setting and other key dates such as corporate strategy week

Good practice\(^1\) recommends that, to enable effective scrutiny, a limited number of in-depth scrutiny reviews should be attempted in one year.

The outline programme will be approved by Council, to ensure a wider participation and ownership of the scrutiny programme. The Chairman of the OSPB will report annually to Council on scrutiny’s progress against the work programme.

---

Pre-decision scrutiny

There is support across the Authority for scrutiny members to carry out forward looking, pre-decision scrutiny, rather than just considering Cabinet decisions after the fact. This "think tank" role could help support the Council during its transformation over the next few years.

To achieve this, scrutiny members need to be aware early on of the issues and challenges facing the Council. This requires good communication between scrutiny members and Cabinet/Chief Officers.

Pre-decision scrutiny may require new ways of working – such as scrutiny members working alongside officers carrying out service reviews, or information being made available to scrutiny members at an early stage in policy development.

Performance of Council Services

The Council's final Comprehensive Performance Assessment highlighted the need to strengthen corporate performance management arrangements and public accountability by embedding the improvements made in reporting performance information to overview and scrutiny. Performance monitoring is therefore a key role of the overview and scrutiny panels.

Each panel receives performance information twice a year and meets with the Directorates to discuss performance, including key pressures and concerns for the future and any emerging issues or topics for the panel to be aware of. These meetings give the panels an opportunity to:

- monitor Directorates' performance
- hold Directorates to account on their performance
- ask why particular performance indicators are being used
- comment on the targets which have been set
- use performance data to inform future scrutiny
- help to prepare the panels for scrutiny of the budget

The Council's Budget

Overall responsibility for scrutinising the Council's budget lies with the OSPB supported by the four overview and scrutiny panels.

Accordingly, the Leader of the Council, the Chief Executive and the Director of Resources are invited to the OSPB in the autumn to set the scene and to update members on the medium-term financial plan and emerging budget.

Cabinet Members and Directors are invited to attend relevant panels in January to discuss the more detailed budget proposals, which are developed once the Council's budget settlement is known. The OSPB has a further opportunity to discuss the overall budget at the end of January. Comments from the OSPB and the panels are fed into the Cabinet process in time for its meeting in February. The final budget is considered by County Council in February.
Crime and Disorder Scrutiny

County and District Councillors have powers to scrutinise the work of crime and disorder reduction partnerships – in Worcestershire these are known as Community Safety Partnerships - to ensure they are effectively tackling local problems.\(^2\)

The OSPB has been designated as the Council's crime and disorder overview and scrutiny committee, and a member of the OSPB leads on this area of work. To avoid duplication, the OSPB has agreed to carry out light-touch scrutiny of crime and disorder, engaging with partners and the Worcestershire Safer Communities Board at least once a year, leaving the District Councils to carry out in-depth scrutiny of the Community Safety Partnerships in Worcestershire.

Recent legislation has had an impact in this area. The Police Reform and Social Responsibility Act 2011 provides for the election of a Police and Crime Commissioner for a police force area. The Act requires the local authorities in each police force area to establish a Police and Crime Panel to "scrutinise" the Commissioner. Crime and disorder scrutiny committees will therefore not have any power to require the Commissioner to attend. It is expected that the OSPB’s link with the Commissioner will be via Worcestershire County Council's representative on the Police and Crime Panel.

Councillor Call for Action

A Councillor Call for Action (CCfA) gives any county councillor the opportunity to ask for discussions at a scrutiny committee on local issues. These issues should essentially relate to local divisional issues, but do not have to relate directly to a Council service – they can relate to services provided by Council partners.

CCfA is viewed very much as a “last resort”, with issues only being raised at scrutiny after other avenues have been exhausted. Councillors will be expected to have undertaken steps to resolve the problem before making a CCfA.

A request form should be completed by any Councillor wishing to make a CCfA. This is attached at Appendix 2.

\(^2\) Police and Justice Act 2006
HOW IS SCRUTINY CARRIED OUT?

There are two main ways to scrutinise issues; the most suitable method of scrutiny will be chosen on a case by case basis.

**Scrutiny Reviews**

These are in-depth, time-limited reviews of services or policies, often carried out by scrutiny task groups. Detailed guidance on the process can be found at Appendix 1.

Scrutiny reviews are the best way of developing evidence-based conclusions and recommendations, and they allow the time to involve the public and stakeholders in the review.

Given the challenges facing the Council and the need to use all resources effectively, it is particularly important that reviews are forward looking and focused on key priorities.

Scrutiny reviews normally result in a scrutiny report with recommendations to be considered by Cabinet.

**Short scrutinies**

Scrutiny members can question senior officers and cabinet members about an issue in just one or two meetings. This approach enables scrutiny to address key, topical issues quickly. It is a useful way of holding to account or of highlighting quickly the work being done by the Council in relation to residents’ areas of concern, or to have an update from a previous scrutiny to monitor progress.

These short scrutinies are also a useful way for members to monitor and challenge a service or policy over a period of time and carry out broad, light touch, overview of services.

The outcomes of these discussions are likely to be comments to the Cabinet Member, rather than detailed reports with a number of evidence-based recommendations.

**Call-In**

Scrutiny members have the power to "call in" a decision by Cabinet, after it has been made but before it has been implemented. The decision is then scrutinised, before a final decision is made about its implementation.

In Worcestershire, a call-in should only be used in exceptional circumstances and where there is evidence to suggest that the Cabinet has departed from the principles of decision making (set out in Article 7 of the Constitution).

Details of the call-in procedures are set out in the Overview and Scrutiny Procedure Rules (Appendix 4 of the Constitution). A summary of the call-in process is in the Box below.
Call In Process

- When the Cabinet makes a decision it will be published in the minutes of the meeting normally within three working days.

- The decision may then be implemented on the fifth working day after the publication of the minutes, unless it is called in.

- Within this five-day period, not less than two members of the OSPB or eight members who are not members of the Cabinet, may signify in writing to the Director of Corporate Services their wish for a decision to be called in. Such a request must be accompanied by an explanation of reasons for calling in the decision.

- The called in decision will then be discussed at the next available meeting of the OSPB. If necessary, an earlier meeting can be called.

- The relevant Cabinet member with responsibility will be invited to attend this meeting and explain the decision taken by the Cabinet.

- The first 3 members exercising the right of call in and who are not either local members or members of the OSPB are entitled to attend and to speak.

- Having considered the called in decision, the OSPB will:
  - Accept the decision without qualification or comment (in which case it can be implemented immediately without being considered again by the Cabinet); or
  - Accept the decision (in which case it can be implemented immediately without being considered again by the Cabinet) but with qualification or comment which the relevant Cabinet Member with Responsibility must consider and respond to;
  - Propose modifications to the decision, or require a reconsideration of the decision (in which case the implementation is delayed until the Cabinet has received and considered a report of the scrutiny task group); or
  - In exceptional circumstances, refer the matter to Council (in which case implementation is delayed until after the meeting of the Council to which it has been referred and, if Council resolves to propose modifications to the decision, the Cabinet has reconsidered the matter having regard to Council’s view).

- Following the meeting, the OSPB’s or Council’s views will be submitted to the Cabinet for consideration. The Cabinet will either:
  - Confirm the decision without modification; or
  - Confirm the decision with modification; or
  - Rescind the decision and (if considered appropriate) take a new one.
Support for overview and scrutiny

The Overview and Scrutiny Team

Dedicated support for, and management of, the scrutiny process is provided by the overview and scrutiny team based in the Resources Directorate. The team comprises an overview and scrutiny manager and four full time equivalent scrutiny officers.

The Overview and Scrutiny Manager is responsible for:

- Supporting and advising overview and scrutiny members.
- Day to day staff and workload management.
- Liaison with colleagues on managing flow of business to Cabinet and Council
- Advising members in shaping and defining approaches to overview and scrutiny reviews and processes.
- Ensuring compliance with and completion of overview and scrutiny reviews and processes.

Overview and Scrutiny Officers support the scrutiny process by:

- Liaising with scrutiny members
- Liaising with directorate officers and designated scrutiny liaison officers
- Liaising with witnesses
- Helping the scrutiny members to plan scrutiny activities
- Researching and requesting information for scrutiny
- Organising scrutiny meetings and visits
- Distributing agenda and evidence documents
- Taking notes of scrutiny meetings or any other relevant parts of the scrutiny process
- Drafting scrutiny reports

Scrutiny Liaison Officers

Directorate-based scrutiny liaison officers are designated to work with overview and scrutiny officers in generating the requisite information and advice. Their role is to:

- Act as a focal point within the directorate for scrutiny issues
- Advise the members and help with queries and requests for information - suggest appropriate other authorities for comparison purposes and provide contact details where possible
- Co-ordinate evidence and information being sent from the directorate to scrutiny
- Liaise with directorate colleagues/scrutiny manager on developing scrutiny reviews
- Provide scrutiny with performance data when required
- Suggest areas for scrutiny where their directorate feel there is a particular need
- Keep their directorate up to speed with what is happening in scrutiny and promote the benefits of the scrutiny process within their directorate in a positive manner
- Attend appropriate training events/seminars as appropriate
WORKING WITH DISTRICT COUNCILS

There are a number of reasons why it is useful for local authorities in Worcestershire to work together on scrutiny.

a) To ensure members can scrutinise effectively issues of joint interest
b) There can be strength in authorities getting together to question and comment on issues, rather than doing it alone
c) To avoid duplication of effort and make best use of Members/officers time
d) To respond to new legislation on scrutiny of the Local Area Agreement
e) To respond to new legislation on scrutiny of Crime and Disorder
f) To build positive relationships with partner organisations by preventing them from having to attend seven scrutiny committees unnecessarily
g) To support the development of enhanced two tier working

The scrutiny chairmen from the County Council and the district, borough and city councils in Worcestershire meet as appropriate to enable effective joint working. A framework for joint scrutiny has been agreed to enable arrangements for any joint scrutiny to be made quickly when issues arise. This is attached at Appendix 3.
APPENDIX 1

THE SCRUTINY PROCESS

OSPB determines outline scrutiny work programme (agreed by Council)
OSPB decides if an in-depth scrutiny should be carried out and the remit of the review
OSPB decides whether to establish a scrutiny task group or whether a Panel should carry out the work
Membership of any scrutiny task group agreed by OSPB

Plan the scrutiny and agree timetable

Publicise the scrutiny
Invite written evidence from officers, external bodies, public
Invite witnesses

Gather information
Talk to members, officers, external bodies and public
Carry out site visits
Consider written evidence

Deliberate and Draft Scrutiny Report
Members consider emerging themes and recommendations and discuss with Cabinet Member and Chief Officer
Members agree draft scrutiny report and submit to OSPB for consideration
OSPB agrees final scrutiny report

Final Scrutiny Report published

Opportunity for Council to debate major scrutiny report
Submit report and recommendations to Cabinet/Council

Cabinet/Council responds to recommendations

OSPB/Panel monitors implementation of recommendations
This Appendix sets out a best practice approach to conducting in-depth scrutiny reviews (usually carried out by scrutiny task groups). The flow chart above shows the main elements of a typical scrutiny process. Each element is described in more detail below.

**PLANNING THE SCRUTINY**

The success of a scrutiny is often determined by how well it is planned. Once the topic is determined, members need to consider

- What detailed issues to look at?
- What questions to ask?
- What written evidence is needed?
- What background briefing is needed?
- Who needs to be invited as witnesses (from the Cabinet, officers, external organisations, experts and members of the public)?
- What visits would be useful?

**The Scrutiny Proposal**

It is therefore helpful at the start of the scrutiny to complete a “scrutiny proposal”.

The proposal should be put together by the Scrutiny Panel/Task Group Chairman, in conjunction with the scrutiny team, scrutiny liaison officer and the relevant service officers. The Chairman or Vice-Chairman of the OSPB or Panel should also have a significant role in the planning of each in-depth scrutiny review. The scrutiny proposal should be considered and agreed by the OSPB.

The proposal sets out:

- background to the issue

- terms of reference for the scrutiny
  The terms of reference are a description of what the scrutiny task group will be investigating and should clearly state the aims of the scrutiny. It is vital that the terms of reference fully reflect members’ interests in the issue. A scrutiny task group can recommend further scrutiny into an issue that falls outside the original remit, but it cannot expand the agreed exercise into other areas.

- scope of the scrutiny
  The scope of the scrutiny should describe the issues that the scrutiny will cover and won’t cover. The importance of these issues may not be known at the start of the scrutiny and the initial list may not be comprehensive but it should be as full as possible.

- how the issue meets the selection criteria

- whether anyone else has examined this issue
  Such as internal management reviews, other local authority scrutinies, other inspectorates etc

- pros and cons of doing the scrutiny and any indicators of success
i.e. what problems may arise during the scrutiny, are there any reasons for not doing the scrutiny, what might be the advantages of reviewing the issue, how will you know a good scrutiny has been done?

- where appropriate any known views of external bodies about the proposed scrutiny e.g. has any other body highlighted the issue and requested it be looked at – or vice versa?

- possible witnesses and other sources of information

- outline timetable for the scrutiny.

**Timescales**

It is sensible to incorporate some flexibility into the timetable, but the main meetings and visits, and their purpose, should be clearly set out at the start of the scrutiny. Setting meeting dates at an early stage are helpful for all concerned and particularly so for planning publicity and inviting external witnesses with plenty of notice.

The members should agree at the start when it will aim to finalise its report, taking into account the Forward Plan timetable and the need to enable the Cabinet Member to respond to the report.

Scrutiny task groups should normally aim to complete the scrutiny within three to six months. Scrutinies that take a long time (especially over nine months) are at risk of being overtaken by events. There is also a limit to how long individuals’ interest can be maintained in one topic.

**PUBLICISE THE SCRUTINY**

Once the terms of reference are agreed, the scrutiny can be publicised and written evidence invited from officers, members, external bodies, other witnesses and the public. A deadline for submissions of written evidence should be set.

Publicity materials should be produced in accessible formats and community languages, and opportunities should be sought to reach out to those sections of the population who may otherwise not readily contribute to the scrutiny process.

**GATHER INFORMATION**

The main purpose of a scrutiny is to investigate an issue by questioning councillors, officers and others. The aim is to get to the heart of the subject and to be able to identify what works well and what changes may need to be made. This can be done by:

- holding “parliamentary select committee style” meetings to question invitees
- having other meetings such as workshops, seminars, focus groups, brainstorming sessions, mystery shopper exercises and site visits
- considering written information
- conducting or commissioning research, and surveys or other community consultation
- getting input from expert advisers
By the end of this period scrutiny members should feel fully informed about the issue and be able to come to a judgement about what conclusions to reach.

Whilst scrutiny members should be persistent in seeking information, it needs to be recognised that it may not always be readily available — and that there may be costs to its collection in terms of officer time and displacement from service delivery work.

A useful first step is to be briefed about the issue. This could be a written report, a presentation, informal meetings with officers, or discussions with expert advisers. It can also be helpful to call ‘expert’ external witnesses early on in the process, enabling members to see the ‘big picture’ and helping them to frame the questions they want to ask of the service.

It is useful to obtain written evidence from a wide range of stakeholders at an early stage in the scrutiny. Members can then use this to decide what further written evidence may be required, and who to invite to give oral evidence and to answer specific questions.

**Oral evidence**

Scrutiny has the power to require Cabinet members and senior officers to appear before them. But scrutiny members are not limited to receiving reports by a senior officer and then asking questions about that report. They are able to explore issues with all officers in a variety of ways; for example junior officers may be interviewed at their own work place, or by just one or two members.

Scrutiny can invite (but not require) other people such as representatives from organisations, experts in a particular field, service users, residents or other members of the public to attend.

Time will be at a premium during evidence giving sessions and these therefore need to be focussed and carefully planned. It is helpful to invite a relatively small number of people to the meeting. Members may find it useful to have a brief period at the start of the meeting, before calling witnesses in, to discuss what questions they are going to ask. Alternatively, witnesses could be provided with a list of questions in advance, with supplementary questions then being based on the response given.

Invitations to attend should describe the nature of the item (with reasons) which witnesses are being asked to discuss and give sufficient notice, having regard to whether or not the production of any documentation or report is required.

**Questioning**

The questioning of witnesses requires particular skills. Questioning should be aimed at trying to understand and explore issues rather than at catching the witness out. It is recommended that members avoid making statements. Asking several questions simultaneously can also be unproductive as it makes it more difficult to ensure that all the questions are answered or to ask follow up questions.

Members should conduct the business with respect, equity, fairness, dignity, and with regard to the principles of natural justice. Scrutiny members should strive to conduct their business in a consensual, open, responsible and transparent way across the political divides and be evidence-based.
Visits

Visits by members to speak to witnesses can be an extremely valuable part of the process. They are a way of hearing a range of views, which can inform Members’ questioning of subsequent witnesses.

Visits may also be used to explain the purpose of the scrutiny to external stakeholders and enable them to participate in the scrutiny, without attending a meeting at County Hall.

Location of Meetings

Meetings will usually take place in County Hall, Worcester. Other locations may be used as appropriate depending on the subject under discussion and should be chosen with the principle of accessibility in mind.

Meeting rooms are laid out informally so that members sit around a table and not in party political groupings. This helps to develop a consensual approach to scrutiny. Introductions should be made and nameplates, if available, should be clearly displayed to help witnesses and other visitors to identify who is participating.

DELIBERATE AND DRAFT SCRUTINY REPORT

Once the scrutiny has gathered its evidence it can then consider its findings and any possible recommendations, perhaps in discussion with expert witnesses, chief officers and the Cabinet Member with Responsibility.

The substantive content of the report and any recommendations are to be agreed by the scrutiny members. However the scrutiny officer and manager may do the compilation and drafting. The following process might be helpful:

- Members discuss the emerging themes and consider what recommendations they may wish to make. (The Cabinet member and chief officer could be involved at this stage.)
- The scrutiny team draft a report based on these discussions.
- This draft is circulated to members for comment and to the officers and witnesses involved to check for factual accuracy and to ensure that no confidential information has been inadvertently included.
- The scrutiny task group meets to discuss the draft.
- The scrutiny team amend and complete the report, liaising with the chairman, vice chairman and officers.
- The Cabinet Member with Responsibility and the Chief Officer are given an opportunity to see the draft report.
- The report is finalised and agreed by the scrutiny task group/Panel. (In some circumstances members may agree the final report without meeting e.g. by email/fax, or the lead member may finalise the report).

Members should be aware that this process can take a number of weeks.

Scrutiny reports will be submitted to the OSPB for consideration. The Chairman of the Panel or lead member of a Scrutiny Task Group will present its report and the OSPB will consider whether the scrutiny has addressed the terms of reference and whether its...
findings and recommendations are evidence-based. This enables the OSPB to monitor the quality of scrutiny and ensure scrutinies are carried out according to best practice. The Cabinet Member with Responsibility and Chief Officer will be entitled to attend the meeting at which the Scrutiny Task Group’s report is considered.

Scrutiny reports submitted for approval to OSPB would be attached to formal committee agenda papers and therefore circulated to the press.

Final scrutiny report

The final report of the scrutiny task group is a councillor report, usually based on a consensual view reached by members of the scrutiny task group. Occasionally, where agreement cannot be reached, a minority report / recommendations can be recorded.

The report should be evidence-based, presenting a full picture of the issues under scrutiny and reflecting the range of views presented to the scrutiny task group. It will contain clear, specific recommendations. Scrutiny members should be aware that recommendations that would require substantial changes in service could require consideration as part of the annual budget setting process. Any target dates in the recommendations should therefore be set with this in mind.

An action plan can also be attached, where appropriate, detailing suggested timescales for implementation and review. This should be developed in consultation with officers from the relevant Directorate. Alternatively, an action plan could be developed by the Directorate as part of the response to the scrutiny report.

Once the OSPB has approved a final scrutiny report it will submit it to the Director of Resources for consideration by the Cabinet or the Council as appropriate. The Chairman of the OSPB and relevant scrutiny lead member will present the final report and may be questioned on it.

Members should note that time needs to be built in to enable the Cabinet Members with Responsibility to consider the report before it is discussed at Cabinet.

A Panel/Scrutiny Task Group may submit interim reports to the OSPB and the OSPB may submit an interim report to the Cabinet.

Feedback

It is important to feed back the results and outcome of the scrutiny to all participants and other interested stakeholders, including councillors. Copies of the report will be disseminated to a wide range of interested parties.

CONSIDERATION OF THE REPORT AND RECOMMENDATIONS

Debate at Council

Reports will normally be made to the Cabinet. If, however, the contents of a report have implications for the Council’s budget and policy framework, or are about a non-executive function, or a decision of the Cabinet is considered not to be in accordance with the budget and policy framework, then a report will be made to the Council. This is without
Resources – Guide to Overview and Scrutiny

prejudice to the Council having the opportunity to debate major in-depth scrutiny reports prior to consideration by the Cabinet.

Where appropriate scrutiny reports reflecting in-depth studies could form the basis of major council debates before they are formally referred to the Cabinet. This would enable the Cabinet, in making a judgement about how to respond to the scrutiny report, to have had the benefit of learning the views of a wide range of non-executive members.

The sorts of scrutiny reports that may be suitable for debate at council are:

- Poor performing service (evidence from PI's or benchmarking).
- Identified by members as key issue.
- High level of user/general public interest.
- Government/council high priority area.

Cabinet response to scrutiny reports

Scrutiny reports will normally be submitted to the Cabinet for consideration either directly or following, where appropriate, a Council debate.

The Cabinet will normally have two months in which to respond to the report.

It is proposed that the Cabinet Member with Responsibility (CMR) look in-depth at the scrutiny report and draft a response (taking in to account any views expressed by the Council), prior to the Cabinet meeting at which it is to be considered.

Before the Cabinet can determine whether to accept the scrutiny report's recommendations it may want to consider:

- that the Council has the powers to act;
- how they fit in with the Sustainable Community Strategy and Corporate Plan;
- 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;
- whether they can or should be phased in over a period of time.

The CMR’s response could address these points and indicate whether the scrutiny report recommendations are accepted or not. 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 and make it easier to monitor agreed action. If recommendations are accepted it is helpful to set out a timetable for their implementation.

The Cabinet may then consider the scrutiny report and the Cabinet Member's response and determine its response to the scrutiny report. The Cabinet’s final response should be circulated to the OSPB, all members of the Panel/scrutiny task group, appropriate officers and any other recipients.
MONITORING IMPLEMENTATION

Implementation of recommendations made in scrutiny reports that are accepted by Cabinet is the responsibility of the Cabinet, except where recommendations are directed at non-executive bodies or external agencies.

The OSPB or panels will monitor this implementation and request updates on progress as appropriate. Progress reports will be circulated to members for information.
APPENDIX 2

Councillor Call for Action (CCfA) Request

Please note that this form must:

- Be signed or electronically verified personally by the Elected Member who wishes to make the Call for Action
- Be posted or handed in to the Scrutiny Team at County Hall, Worcester, sent by Fax to 01905 728747 or emailed to scrutiny@worcestershire.gov.uk

<table>
<thead>
<tr>
<th>What is the Subject of your CCfA?</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Please give a brief outline of the issue)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>What do you want to be the outcome of your CCfA?</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

Some areas are statutorily excluded from the CCfA process. Please answer the following questions to help ascertain whether or not your request falls within an excluded area.

<table>
<thead>
<tr>
<th>Does the issue relate to a problem in your electoral division</th>
<th>Yes/No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Does it relate to a complaint made by an individual or organisation</td>
<td>Yes/No</td>
</tr>
<tr>
<td>Does it relates to a planning or school appeal process</td>
<td>Yes/No</td>
</tr>
</tbody>
</table>

Guidance suggests that a CCfA should be made only when all other avenues have been exhausted. Please answer the following questions to show the action previously taken to resolve the issue:

1. Has the issue been discussed at a meeting of any of the following?

<table>
<thead>
<tr>
<th>Cabinet</th>
<th>Yes/No</th>
<th>Date:</th>
</tr>
</thead>
<tbody>
<tr>
<td>OSPB</td>
<td>Yes/No</td>
<td>Date:</td>
</tr>
<tr>
<td>HOSC/Panel</td>
<td>Yes/No</td>
<td>Date:</td>
</tr>
<tr>
<td>Local Neighbourhood or other Forum</td>
<td>Yes/No</td>
<td>Date:</td>
</tr>
</tbody>
</table>
2. Have you discussed the issue with any of the following:-

<table>
<thead>
<tr>
<th></th>
<th>Date</th>
<th>Contact Name/Tel No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cabinet Member</td>
<td>Yes/No</td>
<td></td>
</tr>
<tr>
<td>County Council Director</td>
<td>Yes/No</td>
<td></td>
</tr>
<tr>
<td>County Council Head of Service</td>
<td>Yes/No</td>
<td></td>
</tr>
<tr>
<td>Other County Council employee</td>
<td>Yes/No</td>
<td></td>
</tr>
</tbody>
</table>

**Partner Organisations**  
Please give details of Partner organisations (NHS, Police, Fire and Rescue) with whom you have discussed the matter.

3. Have you discussed the issue with any other body or person? Yes/No  
   If Yes, please give details

4. Please give brief details of the outcome of the discussions you have had.  
   (Please continue on an additional sheet if necessary)

5. Has there been a petition about the issue? Yes/No  
   If Yes, when and where was it heard?

Name:  
Signature:  
Date:

For Official use:

Date and time of receipt:.................................

Officer Receiving: .................................
APPENDIX 3

FRAMEWORK FOR JOINT OVERVIEW AND SCRUTINY IN WORCESTERSHIRE

Principles Underlying Joint Working

Any joint scrutiny process needs to ensure:

a) Good quality scrutiny – which adds value and properly investigates issues of concern to participating authorities.
b) Efficiency – avoiding duplication and bureaucracy.
c) Confidence in the outcomes of the joint scrutiny exercise by each participating authority’s Overview and Scrutiny Committee, and clear communication of expectations from the outset.
d) Clear working planning and co-ordination.
e) A coherent approach to scrutiny for external partner organisations
f) Clear arrangements for reporting and follow-up to ensure action on recommendations.
g) Reporting arrangements should not create delay through over complexity, and should not create scope for other bodies to block recommendations.
h) Flexibility in how to carry out joint scrutiny.
i) It does not undermine each authority’s Overview and Scrutiny Committee’s remit, or officer support available.

Deciding to Scrutinise Jointly

It is for each authority’s Overview and Scrutiny Committee to decide if they wish to participate in a joint scrutiny but this needs to be done as efficiently and speedily as possible.

To initiate a joint scrutiny proposal a scoping form should be completed and circulated which will then be subject to agreement of each authority’s Overview and Scrutiny Committee.

The Worcestershire Scrutiny Officers’ Network, in consultation with their respective Chairmen should make proposals for joint scrutiny for consideration by the scrutiny chairmen’s network (possibly in between meetings) and subsequent recommendation to individual overview and scrutiny committees.

Carrying out Joint Scrutiny

There are a number of ways that joint scrutiny can be carried out.

There may be times when an individual authority wishes to co-opt members from other authorities onto a particular scrutiny.

There may also be times when it is agreed by each overview and scrutiny committee that one authority takes the lead in scrutinising an issue on behalf of all authorities.
However, it is suggested that in Worcestershire joint scrutiny should usually be carried out by joint time-limited scrutiny task and finish groups, led by the authority from which the scrutiny originated.

**Agreeing Membership of Joint Scrutiny Task Group**

After overview and scrutiny committees agree to participate in a joint scrutiny they then nominate members.

As the task group would not be an official council committee, political balance requirements do not apply.

The number of Members participating in a joint scrutiny will depend on how many authorities are involved but if all Worcestershire authorities take part it is suggested that one member be appointed from each authority.

**Agreeing Chairmanship of a Joint Task Group**

Nominations for chairing the task group will be sought from all members of the task group.

Where one authority is leading the scrutiny it may be appropriate for the Chairman to be appointed from that authority.

**Agreeing Terms of Reference/Scope of the Scrutiny**

Each participating authority's Overview and Scrutiny Committee would be asked to agree terms of reference for the scrutiny as per the scoping and proposal form.

**Conduct of the Scrutiny**

Meetings of the joint task group will be arranged by the supporting scrutiny officer(s).

The task group should strive to conduct their business in a consensual, open, responsible and transparent way across the political divides and seek to avoid expressing views based purely on political considerations.

**Equal Participation**

It is important for all members to be equal participants in the process and for officer support to be available on an equal basis.

**Meeting Venues**

To be decided by the Task Group as appropriate to the particular review.

**Approval of Report’s Recommendations**

The joint task group would agree their report and recommendations, normally by consensus. The Overview and Scrutiny Committee would then be asked to endorse the report, and could submit their own comments to their Executives.
Time constraints for recommendations need to be fully considered at the scoping stage.

**Publicising Outcomes from Joint Scrutiny/Sharing Findings**

Once the scrutiny report is agreed by the Overview and Scrutiny Committees it should be circulated to Executive members, witnesses and any others involved, by the scrutiny officers supporting the scrutiny.

It could also be put on the website of all the participating authorities.

**Resourcing and Supporting Joint Scrutiny**

It is intended that joint scrutiny will be supported within the existing resources available to all seven authorities for scrutiny.

Scrutiny officer support for each joint scrutiny should be agreed at the outset. Whilst the authority leading the joint scrutiny would normally provide support for it, ways of sharing the workload should be explored at the scoping stage.

Any expenses for members of a joint scrutiny should be paid by that member’s authority in line with that authority’s allowance scheme.

**Tracking the Outcomes of the Scrutiny**

The Task Group will decide upon arrangements for tracking the implementation of recommendations.

Individual overview and scrutiny committees may wish to adopt their own methods for joint scrutiny recommendation tracking.

It is suggested that recommendation tracking for joint scrutinies should be part of the watching brief of the Joint Chairmen’s meeting.