

POLICY SCRUTINY GROUP – 11TH MARCH 2014

Report of the Head of Strategic Support

ITEM 10 SCRUTINY PROTOCOL

Purpose of the Report

To submit the Scrutiny Protocol for the information of the Group.

Policy Context

Ensuring effective scrutiny of executive decisions is in accordance with the Council's values of "Accountable" and "Open".

Background

As part of a process of thinking how the Council's scrutiny function can develop officers prepared a protocol which sets out some of the Council's approaches to scrutiny and some principles which underpin effective scrutiny. The protocol includes the principles of effective scrutiny promoted by the Centre for Public Scrutiny, some of the approaches to effective scrutiny advanced by the Council, the Council's arrangements to managing the interaction between the scrutiny function and the Cabinet and a description of the way in which officer involvement in scrutiny is managed.

A draft of the protocol was considered by the Cabinet/Scrutiny Liaison Group in August 2013 and a final version was considered by the Scrutiny Management Board on 29th January 2014.

It was agreed at the Scrutiny Management Board held on 29th January 2014 that all scrutiny bodies receive the Scrutiny Protocol appended to this report.

Background Papers: None

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APPENDIX

Scrutiny Protocol

1. Principles of Effective Scrutiny

The Centre for Public Scrutiny has identified the following four principles which underpin effective scrutiny:

- Provide a constructive 'critical friend' challenge to the Executive as well as outside agencies
- Reflect the voice and concerns of the public and its communities
- Take the lead and own the scrutiny process on behalf of the public
- Make an impact on the delivery of public services.

2. Approaches to Effective Scrutiny

The following approaches will contribute to the effective conduct of scrutiny.

(a) Developing the different components of scrutiny

- There are a number of different components of the scrutiny function including in-depth reviews undertaken by task and finish panels, pre-decision scrutiny of Cabinet reports by the Overview Scrutiny Group, scrutinising the development of Council policies and looking at ways in which scrutiny can assist in policy formulation by the Policy Scrutiny Group, scrutiny of performance by the Performance Scrutiny Panel and call-in.
- These components are complementary and at different times different components will be the most appropriate for scrutinising a topic.

(b) Programming

- In considering items to be included in the scrutiny work programme members of scrutiny bodies should consider the principles set out in section 1 above and in particular the extent to which scrutiny can add value by responding to public concerns and having an impact on how public services are delivered.
- Scrutiny bodies can make use of initial fact-finding through briefing notes, presentations or question and answer sessions to determine whether further scrutiny of a topic is required and what form that scrutiny should take. A copy of the template for a scrutiny briefing can be found at Annexe A to this protocol.
- Scrutiny panels commissioned by the Scrutiny Management Board will operate on the basis of a scope document agreed by the Board. Councillors wishing to suggest new panels should work with appropriate officers to develop a scope document for consideration by the Board. The title of a panel will be in the form of a question which the panel is seeking to answer through its work. A copy of the template for a scrutiny panel scope document can be found at Annexe B to this protocol.

(c) Preparation for meetings

- Informal meetings with chairs and vice-chairs or with all members of scrutiny bodies prior to formal meetings are encouraged as part of the preparation process.
- All members of scrutiny bodies should have read the agenda papers prior to attending a meeting and familiarise themselves with any relevant background papers.
- Members of scrutiny bodies should think about the questions they want to ask witnesses or other people attending the meeting. For example, pick the two issues which are the most important for each item on the agenda and prepare a question on each in advance.

(d) At the meeting

- The Chair should ensure that every member has an opportunity to have their say and that all the issues that members had prepared in advance have been covered.
- When it comes to making recommendations or other resolutions the Chair will check that all members are clear about the decision and are content with it or put the matter to a vote.

(e) Behaviours

- Scrutiny should be conducted in a manner that is inclusive and co-operative.
- A Witness Charter has been prepared to ensure that witnesses are appropriately supported and understand how the scrutiny process will operate and a copy can be found as Annexe C to this protocol.

3. Relationship between Cabinet and Scrutiny

The relationship between Cabinet and the scrutiny function is governed in part by law and in part by the Council's Constitution, in particular the Scrutiny Committee Procedures. The purpose of this section of the protocol is to set out the principles which will be followed by both Cabinet and scrutiny in applying these rules.

(a) Responsibilities

Cabinet and scrutiny have very different functions and responsibilities. However the aim of both is to secure the best outcomes for the people who live and work in Charnwood.

- (i) It is the responsibility of Cabinet to take operational decisions to implement the budget and the key policies set out in the policy framework agreed by Full Council.
- (ii) Scrutiny has a number of responsibilities. These include:
 - holding the Cabinet to account through scrutinising its decisions;
 - calling-in Cabinet decisions which have not yet been implemented if there is a need for aspects of the decision to be reviewed;

- undertaking reviews of Council activities (whether these are the responsibility of the Cabinet or not) and those of other public bodies in Charnwood, leading to recommendations on improvements which can be made;
- assisting the Cabinet in policy formulation and developing its recommendations on the budget and policy framework through commenting on the Cabinet's proposals and undertaking reviews.

(b) General Principles

The following five principles set out how the working relationship between Cabinet and scrutiny should operate.

- (i) Cabinet and scrutiny recognise that they each have different functions and responsibilities and the contribution that both can make to securing the best outcomes for the people who live and work in Charnwood.
- (ii) Cabinet and scrutiny will work alongside each other in a positive manner. Cabinet recognises that scrutiny has a number of rights, such as call-in and requiring Cabinet members to attend its meetings, and will respect those rights. Scrutiny will exercise those rights responsibly.
- (iii) All participants in the working relationship between Cabinet and scrutiny will do so in a spirit of mutual respect and constructive challenge.
- (iv) There will be a regular dialogue between Cabinet and scrutiny through the Cabinet/Scrutiny Liaison Group to promote the effectiveness of the working relationship.
- (v) The relationship between Cabinet and scrutiny will be open and transparent. The Cabinet/Scrutiny Liaison Group will be provided with access to the Cabinet's forward programme of decisions to enable planning of scrutiny activity.
- (vi) The Leader and Chief Executive will attend a meeting of the Scrutiny Management Board each year to discuss issues and priorities for the Council in the year ahead.

(c) Conduct of Meetings

The following principles set out how meetings should be conducted in support of the general principles above.

- (i) Meetings of Cabinet and scrutiny bodies are subject to the relevant provisions in the Council's Constitution including that they must normally be held in public unless factors allowed for by law and the Council's Constitution are judged to require consideration with the public and press excluded.
- (ii) Meetings of Cabinet and scrutiny bodies should be carried out in a businesslike, non-aggressive and non-confrontational manner with courtesy extended to all participants.
- (iii) Meetings of Cabinet and scrutiny bodies should be held using a room layout appropriate for the business to be conducted.
- (iv) Meetings of scrutiny bodies should keep in mind the statutory guidance that scrutiny work should be conducted in a non-party political manner.

4. Officer Support for Scrutiny

Officer support for scrutiny is different to the role that senior officers play in giving evidence to scrutiny bodies which is described in the Scrutiny Committee Procedures in the Constitution. Officers can support scrutiny through providing advice, providing secretariat services, providing or sourcing training, undertaking research and providing background information in relation to subjects for scrutiny.

Scrutiny is able to call on the support of any officer of the Council where this is appropriate to the work it is undertaking. By the nature of the roles they carry out some officers will undertake more work for scrutiny than others.

Scrutiny bodies will be advised if scrutiny activity at a particular time would be likely to cause a significant impact on the operation of a team or service. Officers may suggest items for inclusion in the scrutiny work programme. Ultimately it is the responsibility of the Scrutiny Management Board to determine the work programme.

Template for presenting background information to scrutiny to determine what future action to programme

[body] – ??TH MONTH YEAR

Report of the Director/Head of ????

ITEM SCRUTINY BRIEFING: [TITLE]

Purpose of the Report

To provide background information on to enable [body] to determine whether further scrutiny is required.

Briefing Summary

Title	<i>Name of service area, activity or policy that is the subject of the briefing paper</i>
Aims/Objectives	<i>No more than three bullet points Include origin e.g. mandatory, corporate plan, identified need, government initiative</i>
Background	<i>No more than six bullet points setting out the current position and approach to meeting the aims/objectives</i>
Required outcomes	<i>Outline the expected outcomes in bullet point format</i>
Measures to evaluate outcomes	<i>List in bullet point format – with source of any evidence to be used and providing benchmarking and comparative information where possible</i>
Implications for customers	<i>No more than four bullet points This should include a statement on consultation with customers</i>
Alternative options	<i>Are there alternatives – if so list</i>

Emerging issues	<i>No more than four bullet points This should set out the opportunities and threats etc. affecting the service/activity</i>
Timetable/Future events	<i>Are there any significant future events, e.g. new legislation, public consultation, new policies? Identify any opportunities for scrutiny</i>
Cost and staff requirements	<i>Current budget (income and expenditure) and staffing required by service/activity plus any known changes to be implemented</i>
Risks	<i>Identify in bullet points any significant risks associated with the issue and, where appropriate, mitigations that have been identified</i>

Additional information *(Delete if not required)*

[Provide a brief summary of any additional information that is necessary or has been specifically requested by scrutiny.]

Background Papers: None/list *(as appropriate)*

Officer(s) to contact: Name, tel (including code) and email
(Delete (s) if only one)



REVIEW TITLE:
SCOPE OF ITEM / TERMS OF REFERENCE
REASON FOR SCRUTINY
MEMBERSHIP OF THE GROUP
Councillor (Chair) Councillors
WHAT WILL BE INCLUDED
WHAT WILL BE EXCLUDED
KEY TASKS * * including consideration of efficiency savings
STAKEHOLDERS, OUTSIDE AGENCIES, OTHER ORGANISATIONS *
EQUALITY IMPLICATIONS
Is an impact needs assessment required? – to be considered at the Panel's penultimate meeting
LINKS/OVERLAPS TO OTHER REVIEWS

RESOURCE REQUIREMENTS	
REPORT REQUIREMENTS (Officer information)	
REVIEW COMMENCEMENT DATE	COMPLETION DATE FOR DRAFT REPORT

* Key tasks and stakeholders may be subject to change as the review progresses.

PROGRESS OF PANEL WORK

MEETING DATE	PROGRESS TO DATE

REPORT SUBMITTED TO SCRUTINY MANAGEMENT BOARD

Scrutiny Witness Charter

Introduction

Charnwood Borough Council recognises the valuable contribution that can be made by witnesses to the scrutiny process, be this in the form of expert opinion from professionals in a particular discipline, the views of Town and Parish Councils and community groups, or consumers who are directly affected by a particular service. This Witness Charter seeks to ensure that there is a positive and clearly defined relationship between the Council and witnesses which supports the effective delivery of scrutiny arrangements.

Guidance for the Council

In managing an effective scrutiny process, the Council will seek to:

1. Provide witnesses with details of the time, date and place of the scrutiny session at which their evidence is to be taken.
2. Ensure that witnesses are advised about why they have been invited to attend a scrutiny session and the matters which they will be asked to comment upon.
3. Supply witnesses with copies of all relevant reports, papers and background information.
4. Ensure that all witnesses are treated with courtesy and respect.
5. Give witnesses the opportunity to verify any evidence that they have supplied before it is published in any document to which the public has access.
6. Inform witnesses about any actions recommended as a result of a scrutiny review and the decisions taken by the Council.

Guidance for Witnesses

1. What should a witness expect when attending a Scrutiny Committee or Panel?

There are two types of meeting: firstly, Panel meetings which where possible are held in public when the press and public may be present, and secondly, Panels meetings when the Panel elects to hear evidence in private, for example to allow a witness to give evidence in confidence, when the press and public will not be present. You will be advised beforehand whether or not it is a public or private Panel meeting.

Members of the Committee or Panel are normally elected Members of the Council i.e. Councillors. An officer of the Council who is supporting the Committee/Panel will also be present along with a Democratic Services Officer who will make notes or 'minutes' of the proceedings.

Other persons present may include specialists invited to assist the Committee/Panel including stakeholders, service users and officers of the Council. You will be

provided with details of the names of all witnesses and the organisations that they will be representing before the meeting.

The venue for meetings is normally the Main Council Offices at Southfields, Loughborough although other venues will be considered if this helps to conduct the review process more effectively. You will be notified in advance where the meeting is to be held.

You will normally be given a specific time to attend a Scrutiny Committee or Panel and every effort will be made to keep to the time allocated. When your turn comes, the Chair will invite you to speak and/or respond to any questions from the Councillors present. If you are not clear about a particular question, please ask for clarification.

2. What value can witnesses bring to the scrutiny process?

We recognise that it is important that you should understand the scope of the review, the key lines of enquiry of the Committee or Panel and how you can help to inform the review. This information will be provided to you in advance of the meeting so that you can be well-prepared. In addition, you will be informed of the manner in which your evidence will be taken e.g. question and answer session, timed representations, written submission followed by questions, a presentation etc. A copy of the agenda and any relevant papers will also be sent to you prior to the meeting.

The main aim of inviting witnesses to meetings is to gain access to relevant expertise, new perspectives and practical experiences which will help the review process to deliver well informed recommendations. Therefore, you will have an important role to play in providing us with an insight into the issue or service which is under investigation that we might not otherwise achieve.

3. What action should be taken if a witness has special needs?

The Council is committed to ensuring equality of access to the scrutiny process and will seek to respond positively to people's specific needs.

If you have any particular requirements or access needs to enable you to give evidence, please contact us before the meeting so appropriate arrangements can be made. If you need information in other formats for instance large print, please let us know and we will be glad to provide it to you. If you have any difficulties in understanding written or spoken English please let us know as you may be accompanied by a friend or other person appointed to assist you so that you are able to contribute fully to the scrutiny session.

A number of the meeting rooms at Southfields are installed with a hearing loop system and rooms are accessible for wheelchair users or people with mobility impairments. There is a ramped main entrance to the building and a lift to the first floor. On occasions Scrutiny Panels may meet in other venues and so far as possible, we will ensure that they are fully accessible

4. After you have given evidence

Once you have given evidence and there are no more questions, you may remain for the rest of the meeting or leave if you so wish.

Your evidence along with that of other witnesses will be used to develop the findings of the review and recommendations of the Committee or Panel.

The final report will normally be submitted to the Cabinet. You will be provided with access to the final report and be given details of the decisions taken as a result of the review so that you are fully aware of the outcomes achieved.

5. Feedback

We value your time and contribution to the scrutiny process. If you have any comments about your experiences as a witness or scrutiny in general, please contact:

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