

AGENDA MANAGEMENT SHEET

Name of Committee Council

Date of Committee 31 October 2006

Report Title Review of Scrutiny

Summary This report summarises the outcomes from the review of overview and scrutiny and proposes a number of ways in which the overview and scrutiny process can be enhanced.

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Would the recommended decision be contrary to the Budget and Policy Framework? No.

Background papers Review of Scrutiny – Proposals/Discussion Paper

CONSULTATION ALREADY UNDERTAKEN:-

Details to be specified

- Other Committees Overview and Scrutiny Co-ordinating Group 21 September 2006, Leaders Liaison Group 21 September 2006.
- Local Member(s) N/A
- Other Elected Members Member Seminar 13 September 2006
- Cabinet Member
- Chief Executive Jim Graham
- Legal David Carter
- Finance
- Other Chief Officers Circulated to all Strategic Directors
- District Councils
- Health Authority

Police

Other Bodies/Individuals

FINAL DECISION YES

SUGGESTED NEXT STEPS:

Details to be specified

Further consideration by this Committee

To Council

To Cabinet

To an O & S Committee

To an Area Committee

Further Consultation

Council

31 October 2006

Review of Scrutiny

**Report of the Chair of the Overview and Scrutiny
Co-ordinating Group**

Recommendation of the Overview and Scrutiny Co-ordinating Group to Council

1. That wherever possible joint scrutiny arrangements with partner agencies should be undertaken and each Overview and Scrutiny Committee (OSC) should consider these opportunities on a regular basis as part of the development of its work programme.
2. That each Overview & Scrutiny Committee (OSC) should include within its work programme monitoring progress on the outcomes of the relevant Local Area Agreement (LAA) block(s) and the Overview and Scrutiny Co-ordinating Group (OSCG) should maintain an overview of this work.
3. That there should be a joint scrutiny arrangement with partners to review the overall progress of the LAA and partnership working generally.
4. That the chair of each Overview & Scrutiny Committee should meet the relevant portfolio holder(s) at least quarterly to discuss:-
 - areas where the Committee could help the Council achieve its overall objectives.
 - areas about which the Committee has concerns or suggestions for improvement.
5. That some form of community meeting be held in each locality every year to identify amongst other things issues, where the community has concerns which should be pursued by OSCs.
6. That the basis for the localities to be used for community meetings should be explored further but at the very least one local scrutiny exercise will be undertaken in each of the five Area Committee areas by 30 June 2007.
7. That the contribution that Area Committees themselves can make to the scrutiny process be the subject of further exploration by members.

8. That each Overview and Scrutiny Committee should increase its use of the following:-
- select committee style
 - small working groups of members on a task and finish basis.
 - site visits
 - visits to other authorities

This should be done by members proactively managing the work programme and identifying areas of work to be pursued in these ways.

9. That partners, service users and members of the community play a larger role in overview and scrutiny by ensuring that their potential contribution receives specific consideration as part of each scrutiny exercise and that they are also encouraged to contribute in ways which help them to do so.
10. That the role of Overview & Scrutiny Committees in performance management should focus on in-depth reviews using the data from the Council's performance management system and identifying issues arising from exception reports.
11. That a suite of initiatives be developed to promote and publicise the work of Overview & Scrutiny Committees.
12. That within the overall member development framework, there should be opportunities for members to develop their collective and individual skills in a practical way, with a recognition that listening and constructive questioning skills are essential to fulfil the potential of scrutiny.
13. That the Terms of Reference of the Overview & Scrutiny Committees be revised to reflect a more outward looking approach including the making of reports and recommendations about public services generally. The proposed revised terms of reference are set out **in Appendix 1**.
14. That each Overview and Scrutiny Committee should produce an annual report to the Council.
15. That each Overview and Scrutiny Committee should monitor the progress on actions arising from its recommendations.
16. That the Strategic Director of Performance and Development be authorised to make any amendments to the Constitution to reflect these changes.

1.0 Introduction

- 1.1 Members will be aware that the County Council has been reviewing the way in which it undertakes its overview and scrutiny function. Between June and September of this year, the views of members and our external partners on the purpose, operation and scope for improvement of the Council's Overview & Scrutiny function have been sought through a number of routes reflected in

a report entitled 'Review of Scrutiny – Proposals/Discussion Paper'. This was circulated to all members on 8 September and formed the basis of discussion at a member seminar on 13 September at Shire Hall.

- 1.3 The purpose of the seminar was to convey to members the general messages obtained during the review process, to clarify member views and expectations of the Scrutiny process and to establish through further debate a series of proposals for the further enhancement of the overview and scrutiny function in Warwickshire. The key messages from the seminar were considered by the Overview and Scrutiny Co-ordinating Group on 21 September 2006.
- 1.4 This report summarises the key messages under seven headings and encapsulates them in a range of recommendations providing a Toolkit for members. The Overview and Scrutiny Co-ordinating Group recommend these for adoption by the County Council on 31 October.

2.0 The Respective role of Members and Officers

Members

- 2.1 It was essential that Overview and Scrutiny was member-led and that members 'owned' the process. Members welcomed the challenges offered by the overview and scrutiny role and saw it as an essential part of the toolkit for the delivery of efficient, effective and well-run services. They were clear however that Scrutiny is only effective where it results in change for the better. There was a strong desire to be imaginative about the many different ways in which the public can be engaged in the scrutiny process and can therefore inform the delivery of improved services.
- 2.2 Members recognised the range of skills that they need in order to maximise the benefits of overview and scrutiny exercises, the implications this had in terms of further training and development and the importance of undertaking joint scrutiny with partner agencies involved in related aspects of service. They were also clear that the scrutiny role is not a comfortable one and demands a willingness to be
 - pro-active in bringing issues forward for scrutiny
 - prepared to offer constructive challenge
 - able to make a real contribution to the development of strategy and policy
 - prepared to operate in partnership with others
 - prepared to demonstrate independence of thought and to enter 'difficult' territory in the interests of finding positive solutions.
- 2.3 Members are clear that the Chairs of the Overview and Scrutiny Committees and Cabinet Portfolio Holders must be prepared to work together to agree issues for exploration and how Cabinet and Committees can operate for mutual benefit.
- 2.4 At all times, Overview & Scrutiny must add value to the work of the Council and be seen to do so. At the same time, however, the model chosen by the

County Council should not add unreasonably to the workload of members and officers.

Officers

2.5 Members considered that officers;

- need to be open, honest and unbiased in their reports
- must display an understanding of the overview and scrutiny function and a willingness to engage in and support the process
- must be willing to develop a good working relationship with elected members outside of the formal committee process
- should feel confident enough to bring issues forward for consideration by members. It was felt that it was often officers that operate 'in the field' were those best placed to highlight issues of concern
- must ensure that the information provided to committees is clear, concise and of a high quality, and facilitates the determination of their respective work programmes. This will ensure that the work of the committee is more focused and productive.

2.6 The support offered by the newly created Scrutiny Team is welcomed as an important addition to the support required by members throughout the overview and scrutiny process.

3.0 Community Engagement and the Identification of Issues of Concern to the Community for Local Scrutiny

3.1 As community leaders, members have a key role in assisting their communities to engage in the overview and scrutiny process. Members noted examples such as the Shropshire Model with varying degrees of support. Key issues supported included:-

- one of the key barriers to effective community engagement in scrutiny is a lack of communication between the various parties
- the way in which the council engages with communities will need to vary depending on location and circumstances. There is no single model that will fit all circumstances.
- existing groups and bodies such as Town and Parish Councils and Neighbourhood Watch schemes have a role to play in bringing issues forward for scrutiny. Insufficient use is made of the key themes arising from these opportunities. For example, better use could be made of key themes emerging from electoral division panels.
- there is an extended role for Area Committees as forums for debate, a mechanism for identifying issues for further consideration, and as a tool for performance management at a local level.
- Area Committees should include in their work programmes an annual meeting where issues for consideration by scrutiny can be identified with the public.

- there is value in bringing opposing (non-political) parties together in small meetings to resolve local issues (e.g. in relation to anti-social behaviour issues).
- where public expectations are raised as a result of overview and scrutiny, they should be met wherever possible.
- there is a need for all consultation to be well-structured with clear objectives and to be undertaken with the right people.
- the venues for scrutiny events should be chosen carefully to ensure a good level of public attendance and robust debate.
- local scrutiny should be undertaken in the locality.

3.2 Work is underway to suggest localities at sub-district level in relation to service delivery and community engagement. This work will draw together strands such as neighbourhood policy, extended schools and divisional panels. It will be reported to members for consideration as soon as possible.

4.0 The Scrutiny of all Public Services and the Local Area Agreements

4.1 A variety of views were expressed in this context. In terms of scrutiny of our partners and other public services, members felt that:

- many partners would be understandably reluctant to have the County Council scrutinising their services and this will continue to be the case until the standing, visibility and credibility of the Overview and Scrutiny function has been enhanced.
- scrutiny of the work of District and Borough Councils, whilst holding some attraction, would be complicated by the number of County Council members who also sit on District and Borough Councils.
- County Council scrutiny of public services should be undertaken within the Local Area Agreement context (see below)
- scrutiny needs to be marketed under the banner of a 'critical friend' approach
- the extensive range of partners in Warwickshire requires a re-appraisal of partnership structures before coherent scrutiny arrangements can be agreed.

4.2 Overview and Scrutiny within the context of the Local Area Agreement attracted the following views:-

- it is important to recognise that the LAA does not represent the totality of the Council's agenda, but at the same time to be clear that the LAA should not be seen as a separate issue but as an integral part of the Council's structure. The discreet LAA blocks fit adequately with the existing Overview & Scrutiny Committee remits, each of which should be looking at the Council's role in achieving the outcomes of the LAA relevant to their area of work.
- work programmes of individual O&S Committees should reflect the work programme of the appropriate LAA block

- scrutiny of the LAA as a whole (ie the contributory roles of all partners) should be undertaken by a joint body, consisting of specially chosen representatives from all partners. The joint body will need to hold all partners to account (ie scrutiny by partnership). The need to overcome inevitable difficulties and tensions within this process was recognised.
- mechanisms for scrutiny of the LAA objectives can be agreed when members have full understanding of the outcomes being sought within the LAA blocks.

5.0 Working with Partners

5.1 Members placed equal importance on consideration as to how the Council can best work with its partners. This concept was generally welcomed with a recognition of the benefits of a joint approach to the identification of common concerns across service areas. Where local solutions are identified for local issues these may not be relevant for other areas but where they are, we should learn from them.

5.2 We have so far received responses from North Warwickshire PCT, CSWP Ltd, Stratford on Avon District Council, Connexions, Warwick District Council, Rugby Borough Council, and Council for Voluntary Service (Warwick District). In general terms the feedback shows

- a willingness to engage with the Council's overview and scrutiny function and to carry out joint scrutiny where appropriate (various topics have been suggested)
- joint panels/task& finish groups were considered to be the most effective format for joint scrutiny
- joint scrutiny exercises should deal with issues of common concern and wider community interests
- joint scrutiny should be undertaken only where it can be seen to add value and provide added public benefit
- a wish to be kept informed about our activities and to have more guidance around the overview and scrutiny process

6.0 Different Approaches to Scrutiny

- Whilst political balance in informal meetings is desirable it is not always essential.
- It is not necessary to always adhere to the traditional committee process. There is a need to recognise the different approaches that can be used.
- It is important to avoid bias to one part of the County or another.
- The Select Committee model has worked well in the past and should be used more frequently wherever appropriate. Some subjects require a more in-depth approach.
- There was support for the concept of small member-based working groups to investigate issues and report back to Overview & Scrutiny Committees. These groups tend to develop good relationships with officers as well as expanding their knowledge of the subject.

- Site visits are favoured as a means of building understanding whilst visits to other authorities would help to develop an appreciation of practices elsewhere.
- Better use should be made of existing mechanisms, e.g. Area Committees and Local Community Groups.

7.0 The Role of Overview and Scrutiny in Performance Management and Improvement

7.1 Members felt that:

- they require more support in identifying areas where they can make a difference in improving performance.
- up-to-date data needs to be available.
- Overview and Scrutiny Committees should be able to comment on the tolerances for performance targets, whilst reporting should be by exception.
- given the choice, they would prefer to study particular issues in-depth rather than spending a long time considering performance reports.
- two members from each committee should be given responsibility for tracking performance in areas of concern.
- where joint commissioning of services has been undertaken, it is important to understand how performance of those services can be managed.

8.0 Promoting the Role of Overview and Scrutiny

8.1 Members require:

- Greater use to be made of the media.
- An improvement in the internal communication amongst officers of the overview & scrutiny role.
- Visible celebration of the Council's successes through Overview and Scrutiny.
- More effective branding and promotion of the scrutiny function.

9.0 Member Skills

9.1 On the whole, Members considered that they are well equipped to undertake their scrutiny role. The key skills requiring further development are questioning, influencing and analytical skills. They also need a good knowledge of the areas they are scrutinising.

COUNCILLOR KEN BROWNE
 Chair of the Overview and
 Scrutiny Co-ordinating Group
 Shire Hall
 Warwick
 26 September 2006

SECTION 8 RESPONSIBILITIES OF OVERVIEW AND SCRUTINY COMMITTEES

Overview and Scrutiny Committees - Terms of Reference
<p>Adult and Community Services Overview and Scrutiny Committee To review and or scrutinise the provision of public services in Warwickshire relating to adult services including the delivery of social care to older people and people with disabilities, mental health and health/residential care, libraries, heritage and cultural services and community education.</p>
<p>Children, Young People and Families Overview and Scrutiny Committee To review and or scrutinise the provision of public services in Warwickshire relating to services for children, families and young people including schools, 16-19 years education, pre-school children, Connexions, the Learning and Skills Council, child protection, family support and social care, children with specific needs and the Youth Service.</p>
<p>Community Protection Overview and Scrutiny Committee To review and or scrutinise the provision of public services in Warwickshire relating to community safety including Fire and Rescue, Trading Standards, Emergency Planning, crime and disorder reduction, drug and alcohol misuse and policing and criminal justice.</p>
<p>Economic Development Overview and Scrutiny Committee To review and or scrutinise the provision of public services in Warwickshire relating to economic development including regional and sub regional matters, employment, tourism, strategic land use, regeneration and planning.</p>
<p>Environment Overview and Scrutiny Committee To review and or scrutinise the provision of public services in Warwickshire relating to environment, transport and rural affairs including highways, public transport, waste management, environmental services, sustainability, smallholdings and rural estates.</p>
<p>Health Overview and Scrutiny Committee To review and or scrutinise any matter relating to the planning provision and operation of health services serving Warwickshire.</p>
<p>Resources, Performance and Development Overview and Scrutiny Committee To review and or scrutinise the provision of public services in Warwickshire relating to customer service and access, the development and coordination of partnership working including local area agreements and community partnerships, corporate and community governance and in relation to the Council to review and or scrutinise issues relating to finance, property, e-government and information technology, human resources, communication, traded services, facilities management services, change management, organisational development, information management, and law and probity.</p>

Overview and Scrutiny Co-ordinating Group

To liaise with the overview and scrutiny committees over their respective work programmes, to ensure that there is efficient use of the committees' time, and that the potential for duplication of effort is minimised.

Where matters fall within the remit of more than one overview and scrutiny committee, to provide a forum for discussion as to which of them will assume responsibility for any particular issue.

To provide a mechanism for discussion about the priority of referral made by or to the Committees where the volume of such reports creates difficulty for the management of Executive business or jeopardises the efficient running of the Council business.

2. General Role

Within their terms of reference, overview and scrutiny committees, **other than the Health Overview and Scrutiny Committee**, will:

- i. assist the Council and the executive in the development of its budget and policy framework by considering policy issues;
- ii. review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions or matters of public interest affecting the delivery of public services in Warwickshire ;
- iii. make reports and/or recommendations to the full Council and/or the executive and/or other committees, including joint or area committees in connection with the discharge of any functions and to relevant outside bodies;
- iv. conduct best value reviews in accordance with the programme agreed by the Council and make recommendations to the executive arising out of those reviews;
- v. question members of the executive and other committees and chief officers about their views on issues and proposals affecting the area.
- vi. exercise the right to call-in decisions made but not yet implemented by the executive, any area committees exercising executive functions and officers making key executive decisions;
- vii. consider any matter affecting the area or its inhabitants;
- viii. report annually to full Council on its work.

3. **Health Overview and Scrutiny Committee –Membership and Role**

Membership of the Committee – 12 county councillors and one co-opted member from an overview and scrutiny committee of each district/borough council in Warwickshire. The co-opted members shall be voting members.

A co-opted member shall be appointed for two years and shall hold office until the earliest of the following events

- (i) on the expiry of 2 years from the date of appointment
- (ii) on ceasing to be an elected member of an overview and scrutiny committee of the district/borough council
- (iii) on ceasing to be an elected member of the district/borough council.
- (iv) on receipt of his/her resignation from the Committee

General role

Within its terms of reference the Health Overview and Scrutiny Committee may

- i make reports and/or recommendations to the full Council and/or the executive and/or other committees, including joint or area committees in connection with the discharge of any functions;
- ii report annually to full Council on its work;
- iii make reports and recommendations to a local NHS body being a Strategic Health Authority, a Primary Care Trust or NHS Trust which provides or arranges the provision of, or performs any management function in relation to services to persons residing in Warwickshire and to any other relevant outside bodies;
- iv in making such reports and recommendations it shall include
 - (a) an explanation of the matter reviewed or scrutinised
 - (b) a summary of the evidence considered
 - (c) a list of participants involved in the review or scrutiny
 - (d) any recommendations on the matter reviewed or scrutinised
- v make reports to the Secretary of State for Health where the Committee considers that a proposal by a local NHS body for a substantial development or substantial variation of the health service in Warwickshire
 - (a) would not be in the interests of the health service in Warwickshire
 - (b) that the arrangements for consulting on such a proposal are inadequate

- (c) the reasons given for not consulting on such a proposal are inadequate.
- vi require a local NHS body on reasonable notice to provide the Committee with such information, other than confidential or prohibited information as defined in Regulation 5 Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002, about the planning, provision and operation of health services in Warwickshire as the committee may reasonably require in order to discharge its functions.
- vii require members of the executive, other committees or chief officers of the council or an officer of a local NHS body on reasonable notice to attend the committee and answer such questions as appear necessary for discharging the functions of the Committee. No member or officer shall be required to provide confidential or prohibited information as defined in the relevant Regulations nor answer any question he or she could refuse to answer for the purpose of proceedings in a court in England and Wales.

4. Co-ordinating Overview and Scrutiny Group

4.1 Membership

The co-ordinating overview and scrutiny group shall comprise the Chairs of each overview and scrutiny committee and up to a maximum of five other elected members as determined by the Council.

4.2 Terms of Reference

To liaise with the overview and scrutiny committees over their respective work programmes, to ensure that there is efficient use of the committees' time, and that the potential for duplication of effort is minimised.

Where matters fall within the remit of more than one overview and scrutiny committee, to provide a forum for discussion as to which of them will assume responsibility for any particular issue.

To provide a mechanism for discussion about the priority of referral made by or to the Committees where the volume of such reports creates difficulty for the management of Executive business or jeopardises the efficient running of the Council business.

5. Further Guidance

Further guidance on the role and conduct of Overview and Scrutiny Committees can be found in section 3 of Part 4 of this constitution.