

SECTION 8 – RESPONSIBILITIES OF OVERVIEW AND SCRUTINY COMMITTEES

8.1 TERMS OF REFERENCE

All Overview and Scrutiny Committees

All Overview and Scrutiny Committees shall give due regard to the key themes arising from the Council Plan and agreed priorities as published from time to time and including identified cross cutting themes when undertaking their roles.

Resources and Fire & Rescue Overview and Scrutiny Committee

To review and/or scrutinise the functions of the council relating to the fire & rescue service budget, medium term financial strategy, council plan, planning and performance arrangements, finance, property, information technology, facilities management, workforce strategy and development, law and governance, libraries, customer service and communications.

Communities Overview and Scrutiny Committee

To review and/or scrutinise the provision of public services in Warwickshire relating to community safety, trading standards, transport and highways, economic development and environment, adult learning, heritage, tourism, flood risk management, climate change and emergency planning.

Children and Young People Overview and Scrutiny Committee

To review and/or scrutinise the provision of public services in Warwickshire relating to education and skills, services for children and young people including schools, 16- 25 years education, pre-school children, child protection, family support and social care, children with specific needs and the youth service.

Adult Social Care and Health Overview and Scrutiny Committee

To review and/or scrutinise the provision of public services in Warwickshire relating to adult social care services including social care to older people and people with disabilities, policies and services for safeguarding adults and any matter relating to the planning, provision and operation of health services for adults and children serving Warwickshire.

8.2 OVERVIEW AND SCRUTINY COMMITTEES - COMPOSITION AND POWERS

8.2.1 Powers

Within their terms of reference, the overview and scrutiny committees may exercise the general powers set out in 8.3 below. In addition, the Adult Social Care and Health Overview and Scrutiny Committee, when reviewing or scrutinising health services, has the power and responsibilities set out in 8.4 below.

8.2.2 Membership – County Councillors

Each committee shall be comprised of 10 county councillors appointed proportionately to the representation of groups and individual members on the council.

8.2.3 Co-options

Children and Young People Overview and Scrutiny Committee

Two parent governors and two church governors to be co-opted to the committee. Their terms of office and appointment are governed by statutory requirements. They may speak on children's matters but may only vote on matters relating to education.

Adult Social Care and Health Overview and Scrutiny Committee

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 on matters relating to health services.

Except where statutory arrangements provide otherwise, 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 a member of their appointing body;
- iii. on receipt of their resignation; or
- iv. on ceasing to be an elected member of an overview and scrutiny committee of the district/borough council.

8.3 GENERAL POWERS AND RESPONSIBILITIES

Each Overview and Scrutiny Committee shall:

- 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. question members of the executive and other committees and chief officers about their views on issues and proposals affecting the area;
- v. exercise the right to call-in decisions made but not yet implemented by the executive, any area committees exercising executive function and officers making key executive decisions;
- vi. exercising the powers of the council to request information from partners relating to local improvement targets;
- vii. consider any matter affecting the area or its inhabitants.
- viii. comply with the overview and scrutiny statement of behaviours
- ix. consider the key themes arising from the Council Plan and agreed priorities, including identified cross cutting themes when undertaking their role,

8.4 REVIEW AND SCRUTINY OF HEALTH SERVICES - ADULT SOCIAL CARE AND HEALTH OVERVIEW AND SCRUTINY COMMITTEE

8.4.1 Responsibilities

- (a) In carrying out the review of a particular matter the committee must:
 - (i) invite interested parties to comment; and
 - (ii) take account of any available relevant information and in particular relevant information provided by the Local Healthwatch.
- (b) Where the matter is referred by the Local Healthwatch:
 - (i) acknowledge receipt of the matter within 20 working days; and
 - (ii) keep the Local Healthwatch informed of any action taken.

8.4.2 Powers

The committee may

- i. make reports and recommendations to a relevant NHS body and/or relevant health service provider being the National Health Service Commissioning Board, a Clinical Commissioning Group, NHS Trust or NHS Foundation Trust which provides or arranges the provision of, or performs any management function, in relation to health services to persons residing in Warwickshire and 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; and
 - d) any recommendations on the matter reviewed or scrutinised.
- ii. make reports to the Secretary of State for Health where the committee is satisfied that a proposal by a relevant 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;and attempts to reach agreement with the relevant NHS body within a reasonable period of time have failed.
- iii. require a relevant NHS body on reasonable notice to provide the committee with such information, other than confidential or prohibited information as defined in Regulation 26 of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 about the planning, provision and operation of health services in Warwickshire as the committee may reasonably require in order to discharge its functions.

- iv. require 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 sub-committee. No officer shall be required to provide confidential or prohibited information as defined in the relevant regulations nor answer any question they could refuse to answer for the purpose of proceedings in a court in England and Wales.

8.5 OVERVIEW AND SCRUTINY TASK AND FINISH GROUPS

8.5.1 Role and Protocols

Task and finish groups may be used to carry out scrutiny reviews commissioned by the overview and scrutiny committees. The relevant committee will appoint the members of the task and finish groups and approve their terms of reference which will include a timeframe for reporting back to the committee. Task and finish groups will be used in a dynamic fashion, be time limited and will be cross party in so far as is possible. The role of task and finish groups is to consider the issues within their terms of reference, to provide guidance and to report back that guidance and/or recommendations to the relevant member body. Task and finish groups have no decision-making remit.

The task and finish groups will meet as and when necessary. Meetings will be held in public or private as the group considers appropriate.

Task and finish groups will utilise the methods most appropriate for particular reviews ranging from select committee style events, forums, focus groups, facilitated member visits, member investigations, etc. Some may be in-depth reviews and others light touch reviews taking a short sharp look at an issue through a single meeting or event. Public involvement and stakeholder engagement will be sought where appropriate.

All reviews will report back to the relevant committee with their recommendations.

8.5.2 Membership

A task and finish group will normally consist of 6 county councillors. Chairs of the task and finish groups will be appointed by the relevant overview and scrutiny committee. The committee may appoint additional co-opted members to a task and finish group, if appropriate. This might be from existing co-opted members or from external organisations.