



Revised July 2019

The Scrutiny Handbook

Contents

	Page
Foreword	2
Scrutiny Explained	3
Roles & Responsibilities	4
Partner & Public Involvement	5
The Scrutiny Committee	6
Planning the Work of Scrutiny	9
Conducting a Scrutiny Review	9
Call In: a brief guide	11
“Councillor Call for Action”	12

Foreword

This Handbook has been produced for the Elected Members and Officers of East Suffolk Council as a practical guide to the Council's Scrutiny function. It may also be useful to anyone with an interest in the work of the Scrutiny Committee at East Suffolk.

Scrutiny has a vital role to play. In brief, it works in conjunction with (but independently of) Cabinet to ensure that Cabinet is publicly held to account for its actions – promoting open and transparent decision making and democratic accountability. It also has a role in ensuring that the Council's policy and budgetary framework is respected, and to help realise the key aims of the Council's Corporate Business Plan.

Broadly speaking, the Scrutiny Committee can review Council policy and performance and monitor Executive decisions. It can make recommendations on service delivery, set up working groups to conduct in-depth investigations into selected aspects of the Council's work, and can 'call-in' Executive decisions. It is important to note, however, that the Scrutiny Committee is an influencing body and not a decision-making body. The role of Scrutiny is therefore that of a 'critical friend' – checking and challenging decisions in a robust, constructive and purposeful way.

Scrutiny is an evolving process and, in recognition of that, this Handbook has been produced based on guidelines for good practice rather than as a rigid direction of how Scrutiny should be carried out.

In short, Scrutiny is a positive activity which contributes to the delivery of efficient and effective services that meet the needs and aspirations of local communities.

Councillor Stuart Bird
Chairman, Scrutiny Committee

Scrutiny Explained

Scrutiny is about constructive criticism and open, transparent decision making in local government. It acts as a counterbalance and complements the decision-making powers of the Executive.

The Scrutiny process provides an opportunity for elected members to examine the various functions of the Council, to ask questions about how decisions have been made, and to consider whether service improvements can be put in place. It facilitates debate about priorities, the budget, the business plan of the Council, and the Council's vision for the District. Scrutiny also enables Members to champion issues of public concern.

In addition, Scrutiny reinforces the Council's leadership role in promoting the well-being of the local community because it enables reviews of services provided by other public bodies to be carried out.

Scrutiny is not a process for dealing with individual complaints or concerns. The Council has a separate corporate complaints procedure as well as systems within its Service Teams to deal with concerns and queries about individual cases.

Internal scrutiny

Any Council decision, and indeed any aspect of the Council, can be scrutinised (except for regulatory Committees regarding licensing or planning applications). However, the only decisions that can be "called-in" are Cabinet and Executive Member decisions and any Officer 'key' decisions. A brief guide to call-in is provided later in this Guide.

External scrutiny

Under Part 1 of the Local Government Act 2000, Councils were given the power to do *"anything they consider likely to promote or improve the economic, social or environmental well being of the area"*. This legislation enables Scrutiny to consider the actions of other organisations, operating within the Council's District, that deliver public services and to ask these to explain their activities.

The role of Scrutiny, in summary, is

- To provide a 'critical friend' challenge to the Executive as well as external authorities and agencies.
- To reflect the voice and concerns of the public and its communities.
- To enable elected members to take leadership of Scrutiny.
- To make a positive impact on the delivery of public services.

Roles and Responsibilities

A variety of people are involved in Scrutiny and they have a range of roles and responsibilities. These are outlined below but specific role descriptions for members of the Scrutiny Committee are also included in **Part 2, Section F of the Council's Constitution**

Scrutiny Chairman*

- Provides leadership, ensuring that the Scrutiny Committee is Member-led and owns its work programme.
- Keeps an eye on the bigger picture, reviewing the outcomes and impact of Scrutiny and ensuring it is adding value.
- Presents a positive image of the Scrutiny process.
- Develops a positive relationship with the Executive, Cabinet Members and officers.
- Encourages contributions from all Scrutiny Committee Members.
- Ensures that Scrutiny meetings are conducted in an atmosphere of respect.

** At East Suffolk, the Chairman will be a member of the Administration Group on the Council and the Vice-chairman will be a member of an Opposition Group.*

Scrutiny Members

- Contribute to Scrutiny Committee meetings.
- Collect and assess evidence to produce effective recommendations.
- Act with authority, fairness and impartiality.
- Follow up the recommendations they make.
- Are committed to the development of Scrutiny.

Democratic Services Officer

- Supports Committee Members on Scrutiny topics.
- Supports the development of work programmes.
- Ensures that Scrutiny is undertaken within a mainstreamed approach and contributes to service improvements.
- Tracks review recommendations and feedback responses.

Council's Officers

- Support the work and development of Scrutiny.
- Attend meetings as required.
- Produce reports as necessary.

Partner and Public Involvement

A primary aim of Scrutiny is to improve the quality of life for the local community, and so the views of people who live and work in the District are of vital importance.

Partners and the public can, for example, contribute specific expertise to topics being investigated, from the perspective of either a service provider or as a recipient of the service.

Scrutiny work can also provide Members with the opportunity to engage with groups within the community who may not otherwise readily get involved in the work of the Council.

The involvement of partners and the public can add value to Scrutiny and strengthen the links between the Council and its stakeholders. Consequently, when embarking on an investigation, the Scrutiny Committee should be outward-looking and consider how partners and the public might best be involved.

How can partners and the public become involved?

Involvement may take several forms. One of these is a formal 'co-option' to the Scrutiny Committee which might help to ensure that certain stakeholders are represented, also, it may be valuable to involve partners and the public on a less formal basis in investigations to which they feel they can contribute.

Approaches which may be considered include the following:

- Inviting representatives of groups to participate in a review for its duration.
- Inviting people with expert knowledge, or representatives of groups, to give evidence to reviews.
- Inviting the public to submit their views in writing.

There is, of course, a limit to the amount of work that the Scrutiny Committee can undertake at any one time and some matters suggested may also be outside the remit of the Scrutiny function. Therefore, as a guide, the Scrutiny Committee generally investigates issues that affect the whole district, localities, groups of people or a range of services.

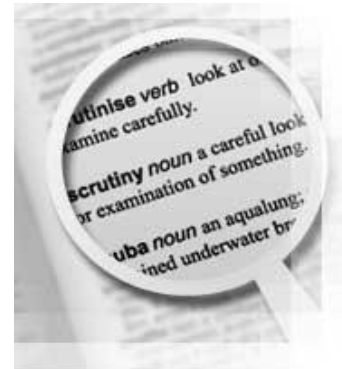
What cannot be reviewed?

Scrutiny does not get involved in minor matters or individual concerns which are not of wider community significance. These should instead be pursued through the appropriate service area, Ward Councillor or with the Cabinet Member responsible for the matter in question. Nor does Scrutiny deal with individual complaints, which should be addressed through the Council's complaints procedure.

The Scrutiny Committee

What does a Scrutiny Committee do?

The Scrutiny Committee can carry out investigative reviews of any matter that influences the people who live in, work in or visit the District. Scrutiny can also look at the performance of a service area within the Council and recommend improvements. It can also investigate issues of public concern – which includes looking at the work of other external organisations that deliver public services.



The Scrutiny Committee will focus its activities on the things that matter most to the local community and on outcomes that can make a real difference to the district for local people.

What are the guiding principles?

The Scrutiny Committee aims to influence others. It does not take decisions or implement changes itself, and as such there are some specific working practices that can enhance its effectiveness:

- Working in a **transparent** way, where it is clear to all those involved how the Scrutiny process works.
- Developing an **inclusive** approach, working to engage all relevant stakeholders, including partners and the public.
- Demonstrating **accountability** for the processes and outcomes of Scrutiny.
- Being **efficient** in the work of Scrutiny, responding to the needs and aspirations of the community.
- Working in a **deliberative** way which underpins an evidence-based approach to the way Scrutiny works.
- Demonstrating a **non-partisan approach** to the work of Scrutiny, that places the needs and aspirations of the community above the consideration of party politics.
- Strengthening the **democratic process of decision-making** through improving the quality of debate.

To achieve the above, participants in the Scrutiny process should demonstrate positive values and behaviours. These include:

- Treating people fairly and with respect.
- Being constructive, especially when challenging people.
- Seeking consensus.

- Being open – and open-minded.
- Looking for continuous improvement, rather than blame.
- Being inclusive and democratic.
- Communicating well.
- Demanding nothing but the best from the resources available.

Scrutiny Committee skills

Scrutiny Committee Members must analyse diverse, sometimes unfamiliar issues in order to achieve their objectives, which requires the application of a variety of skills.

The main skills that Scrutiny Committee Members will rely on are:

Questioning	Not 'interrogation' skills but the ability to probe for information by asking the right type of question ('open', 'closed', 'hypothetical', etc) at the right time.
Active Listening	Genuinely and objectively listening to others whose views and opinions may differ from our own.
Analytical skills	The ability to review and interpret information to reach evidence-based conclusions.
Project planning	The ability to plan events to a conclusion, considering resources and timescales.
Teamwork	Working together and putting party political or other differences to one side to achieve a common goal.

Planning the Work of Scrutiny

Members of the Scrutiny Committee consider and set their work programme and agree which topics to scrutinise. This helps to engender ownership, engagement and commitment by individual Committee Members.

It is vitally important that Scrutiny is well planned and co-ordinated. The Scrutiny Committee will, therefore, filter potential items of work, be selective, prioritise, and not be over ambitious when setting its work programme. Time and resources are limited, and some capacity should be left for emergency issues that arise at short notice.

Selecting topics to scrutinise

Although the Scrutiny Committee can exert considerable control over the subjects it selects for investigation, the amount of time that Scrutiny Committee Members can devote to the Scrutiny process is usually quite restricted. This means it is important for the Scrutiny Committee to select only those topics that are likely to justify the time and effort needed to carry out a thorough examination.

One way of doing this is by making sure the Scrutiny Committee concentrates on significant subjects. There are many sources for potential subjects, and Members may consider some of the following as a starting point:

- Concerns raised by the public.
- Issues identified by audits and inspections.
- Results of consultation.
- Areas of performance which might require improvement.
- Major areas of risk for the Council.
- Requests from Cabinet.
- Concerns raised by the Council's partners and service users.
- Central government policy changes.

A pro forma to assist Members wishing to propose a subject for selection is available for this purpose.

Once the topics for Scrutiny have been agreed, the order of priority in which they are to be investigated is determined by Members of the Committee.

Conducting a Scrutiny Review

A scrutiny review is an in-depth investigation that enables Members to examine a subject in detail; it will normally conclude with recommendations to the Cabinet based on the considerable amount of evidence obtained. Therefore, given the scale of work involved, the Scrutiny Committee might wish to delegate a scrutiny review to a smaller research or task group made up of its own Members. A review will be informed by the following stages:

1. Scoping
2. Development
3. Concluding
4. Monitoring

Scoping

The scoping of a scrutiny review is the very first thing that should be undertaken as it focuses Members on the aim of the review and helps Members and Officers plan the work required. Scoping will aim to identify why the review has been chosen and what it hopes to achieve. Terms of reference and/or a remit for the review should also be agreed.

Issues to consider in the early stages of scoping:

- *What is the best way to involve the public?*
- *How does this review align with the Council's priorities and vision?*
- *What research is required and who will do it?*
- *Should we co-opt an expert/representative?*
- *When and where shall we hold meetings?*
- *What is the best way of collecting each piece of evidence?*
- *Which aspects of the issue should we focus on?*
- *How shall we publicise the review?*

Development

This stage should be as innovative and inclusive as possible. Members should be mindful that one of the key roles for Scrutiny Committee is to reflect the concerns of the public. To do this accurately and effectively, the scrutiny review should consider engagement with the public and actively encourage community involvement. For this reason, Members are encouraged to take a flexible approach to meetings. Informality is also an important consideration for public involvement.

When the evidence from all sources has been collated, it needs to be evaluated to assess its relevance and value. It may be necessary to gather additional evidence if there are weaknesses within the information already collected or if further issues have arisen. Conclusions or recommendations should not be made until all evidence has been collected.

Concluding

A specific meeting should be held to discuss and analyse any findings from the evidence and whether, or not, it has met the agreed objectives. The key message from the evidence should be identified together with the options for any recommendations. Each option should be appraised, and recommendations formed from those options that are relevant and achievable. Members should aim to reach a consensus on the recommendations.

When the recommendations have been agreed, a draft report will be prepared (possibly in association with the Democratic Services Officer). The report should include:

- Background to the review and executive summary
- Introduction to the issues and context of the review - List of evidence collected
- Summary of work undertaken
- Key messages that were identified from the evidence collected
- Conclusions and recommendations
- Monitoring arrangements

The final report should be submitted to the Scrutiny Committee for approval prior to submission to the Cabinet.

Monitoring

The final report is submitted to the Cabinet for consideration.

Scrutiny Committee Members have an on-going responsibility to monitor the implementation and impact of their recommendations and may wish to reflect this by including a section in the final report on what actions are expected to be taken, by whom, and by when. If Members are not satisfied with the outcome, they may then choose to revisit appropriate aspects of the review. This reinforces the importance of the scrutiny function in securing continuous improvement for the Council.

Call-in: A brief guide

The Local Government Act 2000 introduced, for the first time, the power for individual Members of the Cabinet to make certain decisions on their own.

Previously, Members had only been able to decide when meeting collectively as the Full Council or in a Committee. In order to balance these new powers, and that of the Cabinet collectively, mandatory scrutiny arrangements were introduced, including the power to call-in executive decisions. Underpinning the whole system is an ethical standards framework which was introduced by Part III of the 2000 Act.

It is important to remember that, in introducing these call-in powers, the Government intended that they should **only** be used in exceptional circumstances, and not maliciously, vexatiously or for political “point scoring”.

How the call-in system operates

All Key Decisions that the Cabinet, or an individual Cabinet Member intends to take must be published in the Council’s Forward Plan. Once the decision has been taken, a record of this must also be published.

The definition of a Key Decision is an executive decision which is likely to:

- a) result in the Council incurring expenditure, making savings or receiving income which is/are significant having regard to the Council's budget for the Service or function to which the decision relates; or
- b) be significant in terms of its effects on communities living or working in an area comprising 2 or more wards in the area of the Council’s District;

By the term "significant" the Council means a decision which in the case of either revenue expenditure or a capital scheme:

- a) results in expenditure, savings, income, additional funding or virement of over £250,000 being incurred or achieved; or
- b) results in an outcome which will have a marked effect on communities living or working in an area comprising two or more wards.

Non-Key Executive decisions may also be called in by the Scrutiny Committee. Decisions of the regulatory committees and Full Council cannot be called-in, but regulatory decisions may still be scrutinised by the Committee if there is concern about a potential system issue.

Once an Executive decision has been made and published within a decision notice, it is implemented after five clear working days have elapsed, unless a valid call-in request is received. Calling-in a decision can be requested by two Members of the Scrutiny Committee or five Members of Full Council. Once the request for a call-in has been received, a meeting of the Scrutiny Committee is convened as soon as reasonably possible to discuss it. The decision is then either referred to Full Council or back to the decision-making body or individual for reconsideration, as appropriate.

Full details of the call-in procedure can be found in Part 4 of the Council's Constitution or are available from the Democratic Services team.

A call-in Request Form is available and should be sent to the Democratic Services Officer in support of the Scrutiny Committee.

Councillor Call for Action (CCfA)

What is CCfA?

The CCfA is a process introduced in April 2009 through The Local Government & Public Involvement in Health Act 2007 and was intended to put local Councillors at the forefront of dealing with issues of concern in their local communities. It gives them a central role in calling to account the work of Council services (including services provided by the Council's partners) at a local level.

When concerns are identified – either as a result of information from individuals or community groups, or through a Councillor's own observations – Councillors should be able to trigger a response from service providers to help ensure the concerns are dealt with. **As a last resort**, if a problem cannot be solved informally, the CCfA can enable local Councillors to refer the issue to Scrutiny.

The CCfA may cover “any local government matter” relating to any function of the authority and affecting the Councillor's ward or constituents. However, matters related to planning and licensing decisions, and other matters where there is already a statutory right to a review or appeal, are excluded.

Whilst a Councillor may refer the matter for consideration by Scrutiny, it will be up to the Committee to determine whether or not to hold a scrutiny inquiry into the matter and how best to respond.

How it fits in with Scrutiny

One of the primary roles of the Scrutiny Committee is to consider requests for scrutiny and to prioritise issues for review. The CCfA did not change that. Similarly, all the powers that the Scrutiny Committee usually has (to mount inquiries, request information, and make reports and recommendations) will all be available to it, if it decides to take up the CCfA referral.

What is it?

What distinguishes the CCfA from a more general request for scrutiny is:

- The focus of the CCfA is on **neighbourhood** or **locality** issues and specifically the **quality** of public service provision at a locality level.
- The CCfA represents a genuine local **community** concern (based on local Councillors' judgements); and
- It is a **persistent** problem which the local Councillor has been unable to resolve through local action, discussion with the Cabinet or relevant service providers.

If a Councillor is uncertain whether an issue could be a potential CCfA, the Democratic Services Officer in support of the Scrutiny Committee can provide advice and assistance.

What it is not

Scrutiny is not an appropriate mechanism for dealing with individual complaints, and the CCfA did not change this. The Council and partner agencies continue to have well established complaints mechanisms for this purpose. In responding to public requests for CCfA, local Councillors will need to make a judgement about whether the issue is a potential CCfA or should be dealt with more effectively in another way.

How is a CCfA request made?

The Councillor making the CCfA request should complete the standard form (available from Democratic Services). This is then passed to the Democratic Services Business Manager, who will check the form to make sure that the issue is not an excluded matter. If the request can be accepted, it will be put on the agenda of the next available Scrutiny Committee meeting for consideration.

What happens next?

If the Scrutiny Committee decides to accept the CCfA referral, it will decide how it intends to take the matter forward and include the CCfA in its work programme. This could include:

Before holding a formal hearing:

- Asking the service area(s)/partner organisation(s) to respond to the CCfA.
- Setting up a research group to undertake a more in-depth review.

At a formal hearing

- Asking for further evidence and/or witnesses to be brought to a future meeting then making recommendations to the relevant service area/partner organisation.

Potential outcomes

Following a formal hearing, there are several potential outcomes from the Committee meeting:

- The Scrutiny Committee could determine not to make a report (perhaps because it is not considered the right time to consider an issue), with the Ward Councillor notified in writing; or
- determine that it is a complex issue that requires further investigation and commission a scrutiny review of the issue; or
- write a report and make recommendations on the CCfA to the Cabinet, Full Council, or relevant regulatory committee, as appropriate.

Once the Scrutiny Committee has completed its work on the CCfA request, the Councillor who made the request will receive a copy of any report or recommendations made.

