

<b>OVERVIEW AND SCRUTINY COMMITTEE</b>
<b>12 JUNE 2013</b>
<b>OVERVIEW AND SCRUTINY 2013/14 – WAYS OF WORKING</b>
<b>REPORT OF HEAD OF DEMOCRATIC SERVICES</b>

1. **Purpose**

To make sure all members of the Overview and Scrutiny Committee understand how the overview and scrutiny structure operates and the ways of working required to help ensure the maximum potential is achieved from its implementation. This understanding will support the Committee in effectively carrying out its role in setting and managing the programme for scrutiny and commissioning work to deliver the programme.

2. **Action required**

The Committee is asked to note the ways of working within the new overview and scrutiny structure (as outlined at Appendix 1), and support the implementation of this approach throughout the year.

3. **Background information**

A new structure for overview and scrutiny was adopted in 2011/12 and an Overview and Scrutiny Committee was established to set and manage the whole scrutiny work programme. The Committee will commission time-limited reviews to be carried out by scrutiny review panels to deliver its programme for scrutiny. The Committee is also required to establish a Call-in Panel, to respond to the call-in of Executive decisions prior to implementation and a separate Health Scrutiny Panel was established with responsibility for its own work programme at Annual Council May 2013 to focus on the statutory health scrutiny role.

Details on how this structure will operate and the ways of working required to support its effective implementation are outlined at Appendix 1. It is intended that this document will provide a reference guide to ways of working throughout the year. Where necessary, there will be scope to develop and refine these ways of working in response to how things progress.

4. **List of attached information**

4.1 The following information can be found in the appendices to this report:

**Appendix 1 – ‘overview and scrutiny – ways of working 2013/14’**

5. **Background papers, other than published works or those disclosing exempt or confidential information**

None

6. **Published documents referred to in compiling this report**

Report to and minutes of the Annual Meeting of the City Council 20 May 2013

7. **Wards affected**

Citywide

8. **Contact information**

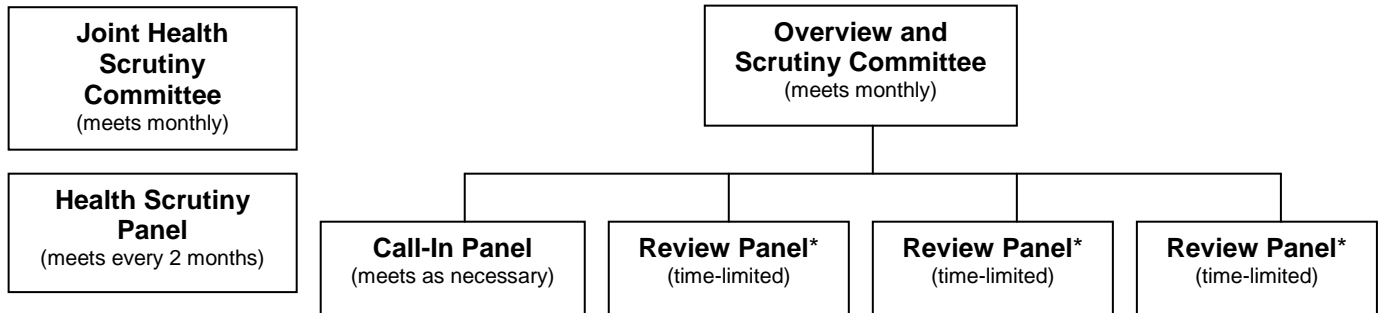
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## overview and scrutiny: ways of working 2013/14



\* Number of review panels varies as commissioned by Overview and Scrutiny Committee (depending upon issues prioritised for scrutiny and available resources)

### Overview and Scrutiny Committee

**14 councillors**

**1 co-opted member**

The Overview and Scrutiny Committee (OSC) takes an overview of key strategic issues relevant to Nottingham to ensure that decision-makers are held to account for their decisions and actions. It sets and manages the overall overview and scrutiny work programme and can commission review panels and / or refer matters to the Health Scrutiny Panel to support delivery of the work programme.

- The OSC has responsibility for the statutory roles and responsibilities, and associated powers accorded to overview and scrutiny, including crime and disorder and flooding – the OSC may fulfil these roles itself or commission a review panel to do so. The exception is the statutory responsibility for health scrutiny and scrutiny of social care, which is held by the Health Scrutiny Panel (see below). The Overview and Scrutiny Team will provide advice on ensuring all relevant duties of overview and scrutiny are covered.
- At each meeting the OSC will look in more depth at one key strategic issue – for example, the annual crime and disorder meeting (required to meet statutory guidance); discussion with a portfolio holder about issues within their portfolio; scrutiny of the Nottingham Plan, the Children and Young People's Plan etc. In addition to providing an opportunity for scrutiny of key strategic issues, it will support OSC members to have a good understanding of key issues affecting Nottingham to inform work programming decisions. The number of 'overview / strategic' issues on each meeting agenda will be limited (ideally to one) to enable a thorough and in-depth approach. This will be complemented by separate activity to provide policy briefings to councillors and co-optees.
- The OSC will prepare an outcome focused, achievable work programme with clear priorities to a timetable matched against resources. The timescale will be realistic but challenging, with reviews having a clear beginning, middle and end. In determining the

programme for scrutiny, particularly commissioning review panels, the OSC will need to take into account available resources and the importance of prioritising work, and aim for a balance between topic areas and a mix of in-depth and sharper, focused work. There will be flexibility to include unplanned scrutiny work requested in-year but only after a reassessment by the OSC of priorities across the work programme and after considering the impact on existing reviews of the diversion of resources.

- In commissioning review panels, the OSC will set out a brief for the work, including an initial timescale and membership of the panel, determining the size of the panel (usually 6-8 councillors) on a case-by-case basis. The OSC will appoint the chair of the panel from the pool of five scrutiny chairs who are members of the OSC.
- The OSC can commission policy briefing sessions. The purpose of the sessions will be to inform councillors and co-optees about a current key issue, not for scrutiny to be carried out. If as a result of a policy briefing, a need for scrutiny is identified then this will be considered by the OSC and a suitable focus and brief for the scrutiny could be identified if it is agreed to include it in the work programme. These policy briefings will not be part of OSC meetings, but will be organised and held separately as informal internal policy briefing sessions and open to all councillors and relevant scrutiny co-optees.

## **Review Panels 6-8 councillors**

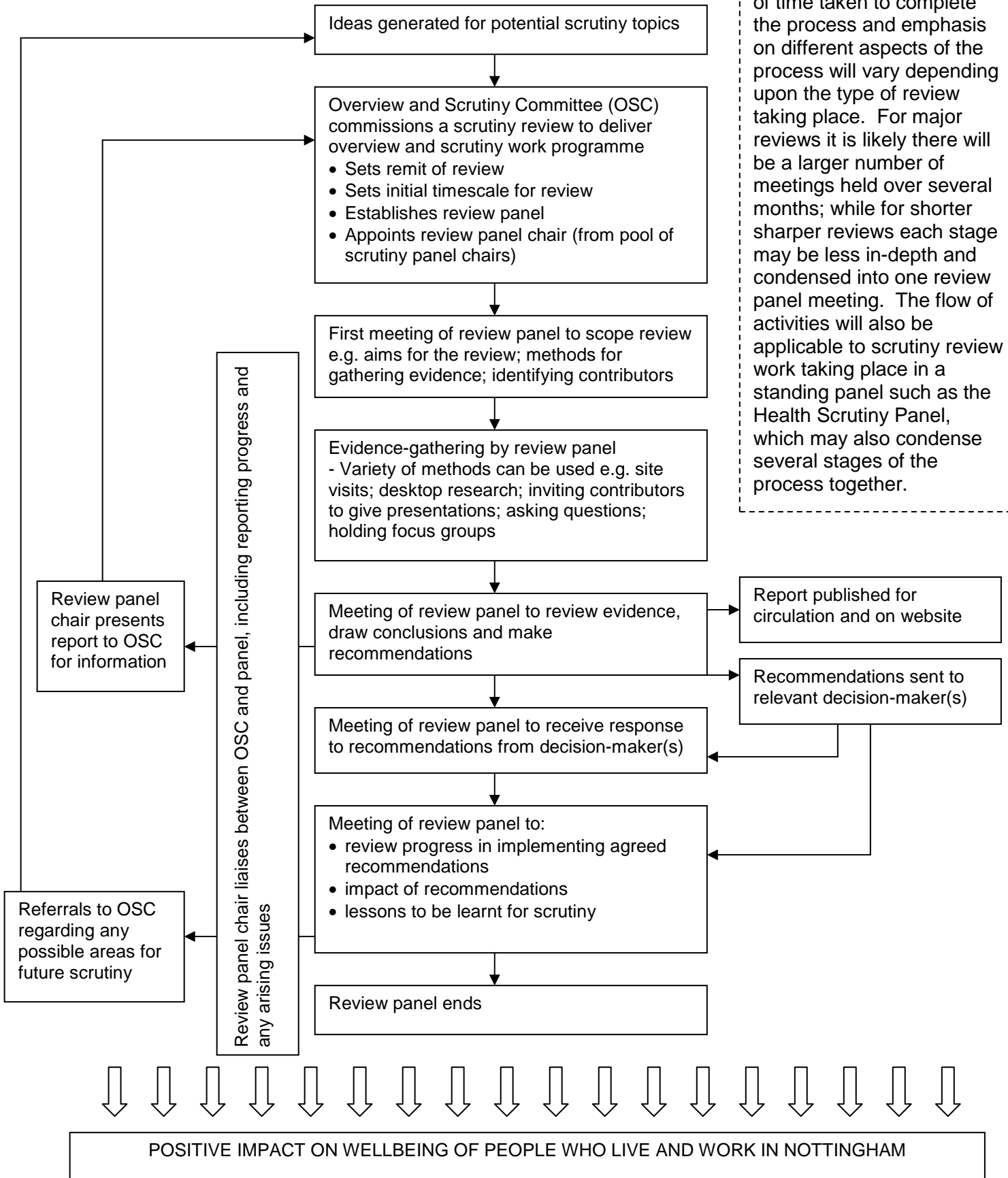
Review Panels are sub-committees of the Overview and Scrutiny Committee (OSC), established as required by the OSC to support delivery of the overview and scrutiny work programme. Chaired by a member of the OSC (from the pool of five scrutiny chairs), a panel will carry out a time-limited review into an issue of concern to Nottingham with a view to making recommendations for improvement.

- Following establishment of a panel by the OSC, the Overview and Scrutiny Team will seek appointments from the Chief Whips accordingly. A timescale for making appointments and subsequently for holding the first meeting of the panel will be set.
- The review panel will be responsible for:
  - scoping the review within a brief and timescale set by the OSC;
  - carrying out review work according to the scope;
  - writing a report on the findings of the review, including any recommendations;
  - receiving the response(s) to recommendations;
  - reviewing progress against agreed recommendations;
  - referring any further issues / possible areas of work to the OSC.
- Any non-executive councillor can be a member of a review panel. Where matters being considered by the panel relate to education, the statutory education co-optees will be full and equal members of the panel, with voting rights. The Overview and Scrutiny Committee can also choose to appoint additional co-opted members to sit on scrutiny review panels, in accordance with agreed arrangements governing overview and scrutiny co-option. No substitutes are allowed to ensure that all councillors involved in making recommendations have heard all the relevant evidence gathered

over the period of the review. Review panels may also invite relevant individuals to attend meetings in an advisory capacity.

- As a part of their role, the chair of the review panel will be responsible for liaison between the OSC and the panel, including reporting progress of the panel and any issues to the OSC and presenting the panel's final report (see below).
- There will be a presumption of openness in review panel work, with the intention of holding as many meetings as possible in public. All evidence will be reported publicly. At the very minimum, meetings held to scope the review; agree conclusions and recommendations; receive responses to recommendations; and review progress on agreed recommendations will be held in public.
- It will be open for review groups to meet more informally to gather evidence to give flexibility in both method and timescale for gathering evidence, so that work can be done more quickly and more creative methods of evidence gathering used. Every effort will be made to keep the work of the panel open and the public informed of work and progress.
- It is important that the OSC is fully aware of the outcomes of the review work it commissions. Each review panel will prepare a short report for the OSC on its findings and recommendations for information (not for approval) at the completion of the review. This will be presented to a meeting of the OSC.
- In parallel, the review panel will send its findings and recommendations directly to relevant decision-makers for their response. If relevant, decision-makers will be invited to present their response to a further meeting of the review panel, within 2 months (and usually sooner) after the recommendations have been issued. Any further progress against agreed recommendations will be reported to the review panel at one further meeting at a relevant time to be agreed by the panel. At this point the review panel will cease to exist and if it feels further monitoring / work is necessary then this will be referred back to the OSC for its consideration and commissioning as appropriate.

## Outline of scrutiny review process



This process outlines the principal stages and activities of a scrutiny review process. The length of time taken to complete the process and emphasis on different aspects of the process will vary depending upon the type of review taking place. For major reviews it is likely there will be a larger number of meetings held over several months; while for shorter sharper reviews each stage may be less in-depth and condensed into one review panel meeting. The flow of activities will also be applicable to scrutiny review work taking place in a standing panel such as the Health Scrutiny Panel, which may also condense several stages of the process together.

## **Call-in Panel**

### **8 councillors**

The Call-in Panel is a sub-committee of the Overview and Scrutiny Committee (OSC) and meets as required to consider requests to 'call-in' a decision. 'Call-In' refers to the power of overview and scrutiny to ask the Council's Executive to reconsider a decision made by either the Executive Board or a Portfolio Holder, but which has not yet been implemented.

- Any non-executive councillor can be a member of the Call-in Panel. The Chair and Vice-Chair of the Call-In Panel will be appointed by the OSC at the start of the municipal year and the Chair must be from the pool of five scrutiny chairs.
- The Panel will meet in public as required to consider any valid call-ins. If, as a result of considering the issue called-in the Panel makes any recommendations it will send these directly to the decision-maker (and report them to the OSC) and it will hold a further meeting (expected to be held within 2 months, but usually sooner) to receive the response(s) to those recommendations. The Panel will then hold one further meeting (at a timescale agreed by the panel) to review progress against agreed recommendations. Following this meeting, if the Panel concludes that further work is required on this topic it will be referred to the OSC for its consideration and commissioning as appropriate.
- The full call-in procedure is set out in a separate document available from the Overview and Scrutiny Team.

## **Health Scrutiny Panel**

### **10 members**

The Health Scrutiny Panel is chaired by a member of the Overview and Scrutiny Committee. The Panel sets its own work programme but matters can be referred between the Panel and OSC to ensure work is carried out in the most effective way. Health scrutiny has a statutory basis and there are specific powers available to overview and scrutiny in relation to this. Any non-executive councillor can be a member of the Health Scrutiny Panel. The Overview and Scrutiny Committee can also choose to appoint co-opted members to sit on the Health Scrutiny Panel, in accordance with agreed arrangements governing overview and scrutiny co-option.

In summary, the role of the Panel is to:

- Carry out the statutory role in relation to proposals for substantial developments or variations (as outlined above)
- Respond to consultations from local health service commissioners and providers
- Scrutinise the commissioning and delivery of local health services to ensure reduced health inequalities, access to services and the best outcomes for citizens
- Hold the Health and Wellbeing Board to account for its work to improve health and wellbeing and reduce health inequalities
- Carry out the overview and scrutiny role for social care matters.
- The Health Scrutiny Panel will determine its own methods for delivering its work programme. This can include establishing a review panel on a particular issue.

- As a part of their role, the Chair will be responsible for liaison between the OSC and the Health Scrutiny Panel, for example ensuring work programmes are co-ordinated and avoid duplication and gaps.
- The Vice-Chair of the Health Scrutiny Panel will be appointed at the first meeting of the Health Scrutiny Panel from the membership of the Panel.
- The Health Scrutiny Panel will meet in public every two months, unless an additional meeting is required in relation to statutory consultation.

### **City and County Joint Health Scrutiny Committee**

**8 Nottingham City councillors**

**8 Nottinghamshire County councillors**

The Joint Health Scrutiny Committee carries out a similar health scrutiny role to that of the Health Scrutiny Panel, but for matters that cover the Greater Nottingham area.

- Allocation of seats is determined by the two authorities involved and chairing of the committee alternates between the two councils every year, as does the location and administration of meetings. The Vice Chair will always be appointed from the authority not holding the Chair. The Chair of the Health Scrutiny Panel will be the Chair or Vice Chair of the Joint Health Committee as appropriate.
- The role of the Joint Health Scrutiny Committee is:
  - to fulfil the statutory roles and responsibilities accorded to overview and scrutiny in accordance with sections 7 and 8 of the Health and Social Care Act 2001 and associated regulations and guidance where proposals cover the Greater Nottingham area (ie both the Nottingham City Council area and the Gedling, Broxtowe, Hucknall and Rushcliffe areas of Nottinghamshire) - this means where a decision will impact on both Nottingham City and Nottinghamshire County residents;
  - to scrutinise health matters which impact on the Greater Nottingham area, focusing on issues relating to public health, with particular regard to health inequalities and access to services;
  - where an NHS Trust operates in an area wider than the Greater Nottingham area, the Joint Committee will scrutinise any health matter that affects the Greater Nottingham area and the wider area, but will defer to the relevant City or County Health Overview and Scrutiny function if requested by that health scrutiny committee / panel.
- The Committee sets its own work programme and meets monthly. Notice of meetings, circulation of papers, conduct of business at meetings and voting arrangements will follow the Standing Orders of the authority which holds the Chair, or such Standing Orders which may be approved by the parent authorities. Meetings will be open to members of the public.
- A detailed protocol for joint working guides the conduct of the Committee and is reviewed annually. This is available from the Overview and Scrutiny Team.



## **Principles of good scrutiny**

The national Centre for Public Scrutiny (CfPS) has developed four principles of good, effective scrutiny. These can be summarised as:

1. Be a 'critical friend'
2. Reflect the most important issues for the public and local communities
3. Be an independent champion, acting on behalf of the public
4. Make an impact on the delivery of public services

These core principles should be applied throughout overview and scrutiny activity.