

Wycombe District Council

Scrutiny Guide

Revised June 2014

Introduction by Councillor Ron Gaffney

Scrutiny is the process by which the council looks at its own performance and that of other public sector services, checking how well the people of Wycombe District are being served, identifying their issues of concern, and then acting on their behalf to try to influence policies. Scrutiny cannot take decisions, but it can make recommendations to the Executive or full Council, as appropriate, in order to influence the decision and policy-making process and hold decision-makers to account.

This guide sets out the process by which scrutiny is undertaken at Wycombe District Council and outlines the work of the Improvement and Review Commission, which oversees scrutiny at the council.

Democratic Services

June 2014

MEMBERSHIP OF THE IMPROVEMENT AND REVIEW COMMISSION

In the 2014/15 municipal year the Chairman of the Commission is **Councillor R H W Gaffney**. The Vice-Chairman is **Councillor Mrs J D Langley**.

The Chairman and Vice-Chairman are responsible for leading the work of the Commission and liaising with Cabinet and Committee Chairman on behalf of the Commission.

In addition to the Chairman and Vice-Chairman, the Commission membership is as follows:

Councillor K Ahmed
Councillor D H G Barnes
Councillor I Bates
Councillor D J Carroll
Councillor G C Hall
Councillor A E Hill
Councillor A Hussain JP
Councillor Ms P L Lee
Councillor Mrs W J Mallen
Councillor Ms M L Neudecker
Councillor J L Richards OBE
Councillor J A Savage
Councillor A Slater
Councillor T Snaith
Councillor R Wilson
Councillor Ms K S Wood

Standing deputies:

Councillor D A Anson MBE
Councillor M C Appleyard
Councillor R M H Farmer
Councillor M Hanif
Councillor Mrs G A Jones
Councillor Ms R Knight
Councillor J A Malliff
Councillor Ms S Manir
Councillor S F Parker
Councillor A Turner
Councillor D M Watson

OFFICER CONTACTS

Working with, and for the Commission, the Improvement and Review Officer Team at Wycombe comprises:

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1. INTRODUCTION

Why we undertake Improvement and Review

Overview and Scrutiny in local government came into being as a result of the Local Government Act 2000, with the aim of improving decision-making and promoting public engagement.

The council's Improvement and Review Commission – which oversees scrutiny within the council - works to add value by providing constructive, challenging support to the Cabinet in taking its decisions. Wycombe took a deliberate decision to use the words 'improvement and review' - rather than 'overview and scrutiny' - as this description better reflects the Council's vision for the Commission.

Improvement is about contributing to policy development, before decisions are made.

Review is about questioning steps that have already been taken.

The Commission undertakes scrutiny of Cabinet proposals and decisions in order to seek to improve performance and try to achieve best value for residents and the local community; check results are being achieved; and enhance accountability by demonstrating areas of success and highlighting issues for consideration.

The Commission looks outwards as well as inwards. Some of the recommendations made by the commission are intended for organisations other than Wycombe District Council whose services also have an impact on the lives of district residents.

We involve others in our work: for example, young people if the Commission is looking at an issue relating to youth opportunities; or those who have direct experience of an issue under review.

When the term 'improvement and review' is used in this guide the term also covers the scrutiny role as necessary.

The Improvement and Review Commission

Wycombe District Council operates one Improvement and Review Commission (IRC). This is a cross-party committee of elected district councillors which offers independent advice to the council's Cabinet (the Executive) on decisions they take. This can either be before decisions are taken, or through the call-in process (by which a decision which has already been taken is reviewed before being implemented). The Commission can also review the on-going effectiveness of policy decisions.

There are also up to four task and finish groups in operation at any time. Task and finish groups work on detailed reviews, undertaking research and taking evidence, and reporting on their findings. More information about the work of the task and finish groups is included in section 6.

The Cabinet will consider recommendations and views of the Commission, but the Cabinet will make the final decision. Where Cabinet changes or rejects a recommendation of the Commission, a written note in the minutes explaining the reason for doing so is made.

2. THE WORK OF THE IMPROVEMENT AND REVIEW COMMISSION

The Improvement and Review Commission publishes a work programme. This identifies the issues due to come forward to Commission meetings for consideration, as well as the work of the Task and Finish Groups.

The Commission's work is drawn from a number of sources:

1. The Cabinet Forward Plan

The Cabinet Forward Plan identifies the known items to be considered by Cabinet at its forthcoming meetings. There is a special procedure to be followed if an item needs to be considered without having been included on the Forward Plan. In such cases the approval of the Chairman of the IRC and the publication of an exemption notice is required.

The Cabinet Forward Plan is submitted to each meeting of the Commission so that councillors can review the forthcoming items and specifically request the consideration of any items prior to the Cabinet meeting.

2. The Commission's Work programme

The Commission's own work programme identifies items which are scheduled to come to Commission meetings. Councillors are able to suggest relevant items for inclusion on the agenda for future meetings.

3. Relationship of the Commission with Performance Management of the Council

Every Quarter the Chairman and Vice Chairman of the Audit Committee and the Improvement and Review Commission meet to look at how well services are performing, and to identify a route of action to address underlying causes of any poor performance. (Other bodies are also involved in Performance Management). This may involve the Commission undertaking a review.

4. Joint Scrutiny

The Commission will also participate in joint scrutiny work with other councils, where it makes sense to do so and avoids duplication of effort.

5. Call-In

This is a formal process for Councillors to review a decision which has already been taken by the Cabinet. There are specific criteria which have to be met to proceed with a call-in. The Cabinet's decision cannot be implemented until the Improvement and Review Commission has considered the matter. Section 7 has more information about the call-in process.

6. Councillor Call for Action

This is a formal process, which can be triggered by an individual councillor only after all other avenues have been pursued, to obtain resolution of a specific issue. Section 8 has more information about the Councillor Call for Action process.

3. PUBLIC INVOLVEMENT IN INVOLVEMENT AND REVIEW

An important function of the Improvement and Review Commission is to provide an interface between the public and the Council and enhance public involvement in local decision-making.

Members of the public can get involved in several different ways, by:

- attending a meeting of the Commission. These are held in public, unless there are specific reasons for taking information in private. Information about Information and Review Commission meetings and agendas, as well as contact details, can be accessed from the main page of the WDC website via the 'Have Your Say' link
- lobbying their local councillor to request that an item be put forward on the Work Programme
- giving evidence to a Task and Finish Group
- Drop us an e-mail with their issue for consideration by the Commission, utilising the scrutiny@wycombe.gov.uk e-mail address

Where appropriate off-site venues are used for meetings, where doing so will give members greater awareness/engagement with local communities and/or will raise the level of engagement of a community with the work of the council.

4. JOINT SCRUTINY

Examples of completed joint reviews include:

- Social Cohesion
- Crime and Disorder
- Empty Homes
- Big Society in Bucks

The above examples are those where county and district scrutiny chairmen have selected topics for joint reviews. To be selected for a joint review, topics need to have impact on more than one authority, and, principally, to have arisen from local communities' concerns. Topics are not suitable for a review if they can be dealt with by co-option of additional members onto an existing committee or Task and Finish Group.

The Commission is seeking increasingly to take joint scrutiny opportunities into account when planning its work programme. As with any Task and Finish Group established by the Commission Joint reviews may last up to 6 months only.

Wycombe District Council also has councillor representation on the following health-related county wide committees:

The Health and Adult Social Care Select Committee

The Health and Adult Social Care Select Committee is the designated statutory health scrutiny committee and carries out the local authority scrutiny functions for all policies and services relating to the scrutiny of public health, local health services, adult social services and family wellbeing, including:

public health and wellbeing; NHS services; health and social care commissioning; GPs and medical centres; dental practices; health and social care performance; private health services; family wellbeing; adult social services; older people; safeguarding; physical and sensory services; learning disabilities.

The Select Committee scrutinises the work of the County Council and other service providers in this area and can suggest improvements where necessary. In addition to the Health Scrutiny co-optees set out in the council's constitution, the Health and Adult Social Care Select Committee may, at the discretion of the Chairman, appoint topic specific co-optees to inform the work of the committee.

Buckinghamshire Health and Wellbeing Board

The Buckinghamshire Health and Wellbeing Board (HWB) is the key partnership for promoting the health and wellbeing of residents. Its focus is on securing the best possible health outcomes for all local people.

The key functions of the board include:

- co-ordinating the development of the Joint Strategic Needs Assessment (JSNA) to understand the health and wellbeing needs of the people of Buckinghamshire

- determining the priorities for, and preparing, the Joint Health and Wellbeing Strategy for Buckinghamshire which spans the NHS, social care, public health, and wider health determinants. The Strategy will be based on the JSNA and will focus on outcomes
- promoting integration and partnership across areas, including through promoting joined up commissioning plans across the NHS, social care and public health
- ensuring that, regardless of provider, commissioning decisions for health and wellbeing are in line with the joint Health and Wellbeing Strategy and take due notice of the JSNA
- co-ordinating effort to make the public monies invested in health and wellbeing work effectively to deliver the priorities in the Health and Wellbeing Strategy
- holding to account those responsible for the delivery of the outcomes set out in the Strategy.

Wycombe Community Safety Partnership

Every local authority is required to have a designated crime and disorder Overview and Scrutiny Committee, with power to make recommendations regarding the functioning of its local Crime and Disorder Reduction Partnership (now called Community Safety Partnerships). Wycombe District Council's Improvement & Review Commission carries out this role for the District.

The regulations leave the frequency of meetings to local discretion, subject to the minimum requirement of once a year.

5. SCRUTINISING EXTERNAL ORGANISATIONS

Scrutiny is not limited to internal council issues, and it can be carried out with partners. Specific matters of community interest should be investigated by scrutiny committees. These issues may sometimes include external organisations and partnerships. This involves developing a strong outward focus, encouraging participation from partners and the public. External scrutiny can be achieved through collaborative working and cross-cutting scrutiny work.

External organisations can be invited, and in some cases, required, to send representatives to meet with and answer questions from the scrutiny committee, submit evidence or meet people appointed by the scrutiny committee to help with their investigation.

6. TASK AND FINISH GROUPS

The Commission is responsible for establishing Task and Finish groups. No more than four Task and Finish groups are established at any one time.

Choosing subjects for scrutiny

Commission Members wishing to suggest topics for the Commission's scrutiny by means of a Task and Finish Group are invited to complete and return the Work Programme Suggestion Form (**Appendix A** to this document) to the Democratic Services section.

Before establishing a Task and Finish Group, a detailed scoping paper will be prepared to ensure that the review is comprehensive, focused, and has a clear reporting date.

Membership

The Chairman (and sometimes the Vice Chairman) of the Task and Finish Group is normally announced by the Chairman of the Improvement and Review Commission (IRC) at the meeting at which the TFG is set up.

Any Wycombe district councillor who is not a Cabinet Member or Deputy Cabinet Member, regardless of whether a member of the IRC, can serve on a task and finish group.

Permission for the co-option of up to two non-Wycombe district councillors (for example, representatives of voluntary organisations) may be given by the IRC when the task and finish group is established.

A Task and Finish Group review (including joint reviews with other authorities) may last up to 6 months. Frequency of meetings can be variable, with monthly as average. Meetings usually take place in the early evening, but occasionally during office hours at the discretion of the Chairman.

What evidence is collected during a review?

To carry out the investigation a Task and Finish Group must collect evidence from a wide variety of sources. This can include:

- questioning witnesses and experts
- reading books and reports
- visiting places to see how things work elsewhere
- undertaking surveys
- written submissions from professionals, business and community groups
- talking to local people and service users.

The first meeting of a new Task and Finish Group

Agenda items:

Declarations of Interest

Any declarations of interest must be made at this point. For example, members who have a current role in developing a particular policy cannot serve in a scrutiny capacity looking at that same policy. Any potential for personal gain due to commercial interests is another example.

Agreeing the scope of the review

This sets the scope of the review so that everyone is clear about the task, including what will not be covered.

Usually the relevant Cabinet Member is invited to the first meeting to allow them the opportunity to state their views on the subject being reviewed and any suggestions as to the evidence from other sources the group may wish to consider (in writing or in person).

Background information

Members are expected to be familiar with the documents sent with the agenda.

Conducting the review programme

This involves planning any external visits and any dates when interviews will take place at WDC.

Dates of next meetings

Members are requested to bring their diaries.

Final meeting of the Task and Finish Group

Often the Cabinet Member will be invited to the final meeting, as a courtesy, after the draft recommendations have been discussed.

Guidelines for IRC interviewing others

It is good practice to meet prior to interview to prepare for interviewing guests and to form an initial view as to what issues are within the scope of the exploration. Plan the running order of the issues to be explored (and who will open on each issue).

Approach at interviews

The goal is to enable the guest to make the maximum contribution of relevant information and ideas, through use of the following key techniques:

- Put guest at ease
- Adopt tone of encouragement
- Ask open questions (particularly at the outset)

Scoping Report and Terms of Reference for Task and Finish Groups

Once the Commission has selected a topic for a Task and Finish Group, a preliminary scoping report can be used to define the focus of the work to be done. An alternative to a scoping report is a set of questions which the Task and Finish Group will seek to answer.

1. What are we trying to achieve?
2. What has worked elsewhere?
3. How will we achieve it (set out as key issues and options)?
4. How will we know when we have achieved it?

It is important that the precise focus of the work is identified. This aids the process of formulating clear recommendations to Cabinet.

What happens to the recommendations from the Task and Finish Group?

Stage One – The Improvement and Review Commission

The Chairman of the Task and Finish Group presents the recommendations to Improvement and Review Commission, which can make amendments to the recommendations and/or make additional recommendations.

When the report and recommendations have been accepted by the Commission, they become Commission recommendations to Cabinet. The only exception to this is when permission has been given for the Task and Finish Group to report directly to Cabinet, usually because of time constraints.

Stage Two – WDC Cabinet

The Commission's report is presented to Cabinet. Cabinet can either:

- Accept one or more of the recommendations;
- Amend one or more of the recommendations;
- Make additional recommendations; or
- Reject one or more of the recommendations.

If any recommendations are rejected, Cabinet is required to state their reasons which must appear in the minutes of their meeting.

If the recommendations relate to actions for another organisation, then they will be passed on following consideration by Cabinet.

Stage Three – Progress Reports

Normally those to whom the recommendations are addressed are asked to report progress to the Improvement and Review Commission after either 6 or 12 months.

Examples of past completed scrutiny reviews

Financial Strategy and Budget Review

Town Centre Regeneration

Developer Contributions

Gypsies and Travellers

Homelessness

Carbon Reduction Framework

Housing Strategy

Waste and Recycling

Access to Health Services

Activities for young people

Southern Quadrant Transport Solutions

Employment and Economy

Services to adults with disabilities in Wycombe district

Affordable Housing

The Commission:

- Makes use of expert witness
- Learns from best practice at other councils
- Co-opts members
- Makes public its reports

7. CALL-IN PROCESS AND CRITERIA

The Call-In Facility

The Call-In facility allows for decisions made by Cabinet, or in some cases, officer delegated decisions, to be scrutinised prior to their implementation. A Call-In will only be used as a last resort, if after using other mechanisms to influence policy, there are still concerns. The Call-In process is described briefly in the section following below, and in full in the WDC Constitution and Members' Handbook. The Cabinet is not bound by the recommendations from a Call-In, but where the recommendations are not accepted it must state its reasons for rejecting them.

The Call-In Process

- Cabinet decisions cannot be implemented until after 5 working days, with some exceptions, to allow time for a Call-In
- A Call-In process effectively freezes the implementation of the decision

Decisions can only be called in if they satisfy at least 3 of the following criteria:

- Decision is outside agreed policy or budgets
- Proposes expenditure in excess of £100,000
- Affects at least one quarter of the wards of the District
- Request made by at least 5 members of IRC, excluding Chairman but including members of at least two political groups
- The decision that is being called-in is not supported by at least 1 Local Member (2 in a 3 Member ward)
- Consent of the Chairman of the Improvement and Review Commission has been obtained
- There has been insufficient opportunity for members to input into the decision

Points for the Improvement and Review Commission to consider when deciding whether or not to Call-In:

- Is the decision likely to cause significant concern or distress to the local community or prejudice individuals?
- Has more than one-third of the Improvement and Review Commission expressed the view that the call-in should proceed?
- Is the issue one that has been considered or consulted upon, whether in an open meeting or otherwise?
- Would delay significantly damage the interests of the Council?
- Have other significant representations been made but not considered before the decision was taken?
- Are there significant representations against the decision from outside bodies?

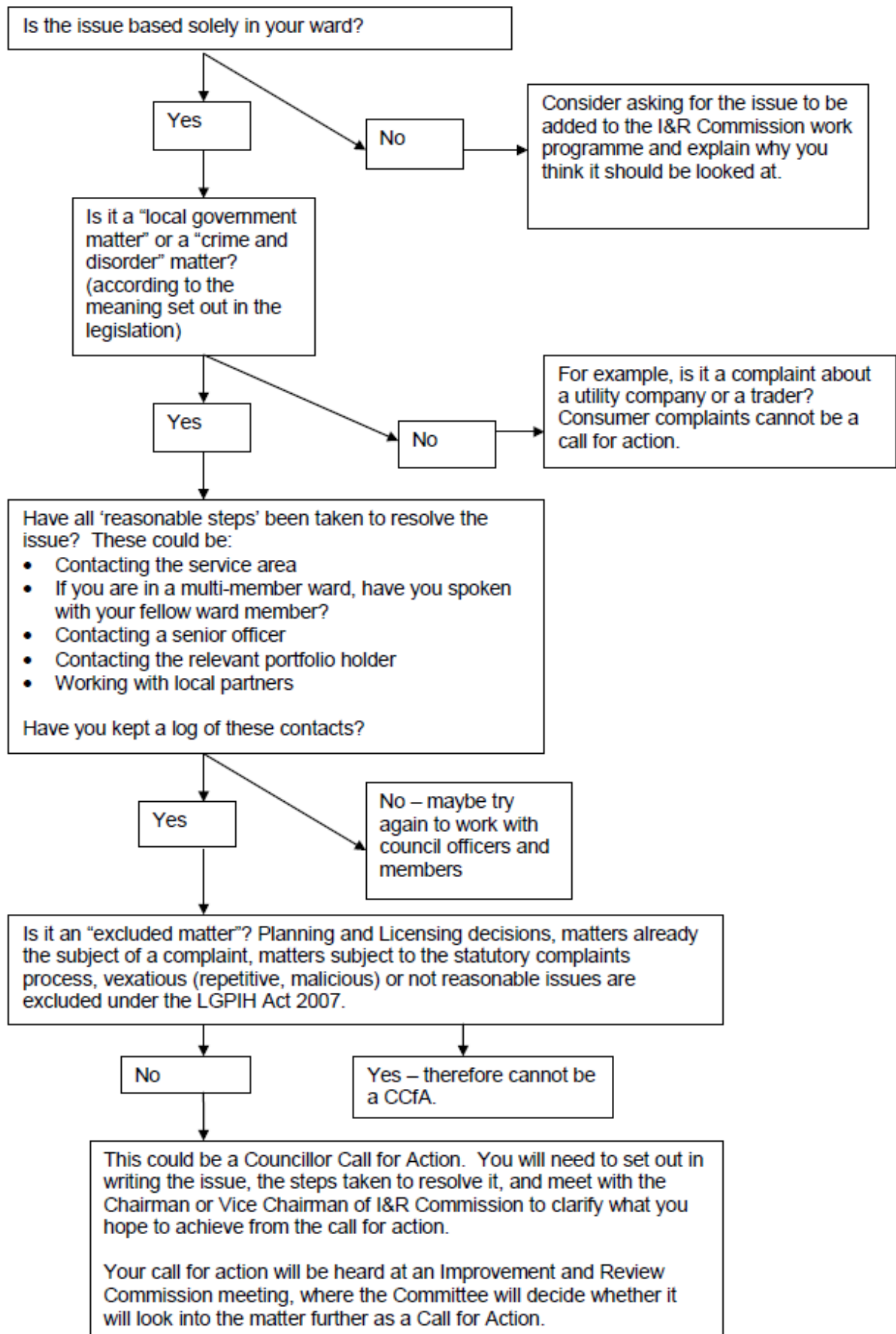
Further points:

- The Improvement and Review Commission will consider the request for call-in at its next scheduled meeting, or at a special meeting.
- A decision may only be called in once unless the original is substantially amended by Cabinet.

8. COUNCILLOR CALL FOR ACTION – GUIDANCE FOR MEMBERS

Councillor Call for Action (CCfA) has been developed as part of the government initiative to delegate power to local communities. CCfA will provide any member of the council with the opportunity to place a matter that impacts on their ward on any Improvement and Review Commission (IRC) agenda. This is regardless of whether they are a member of the IRC.

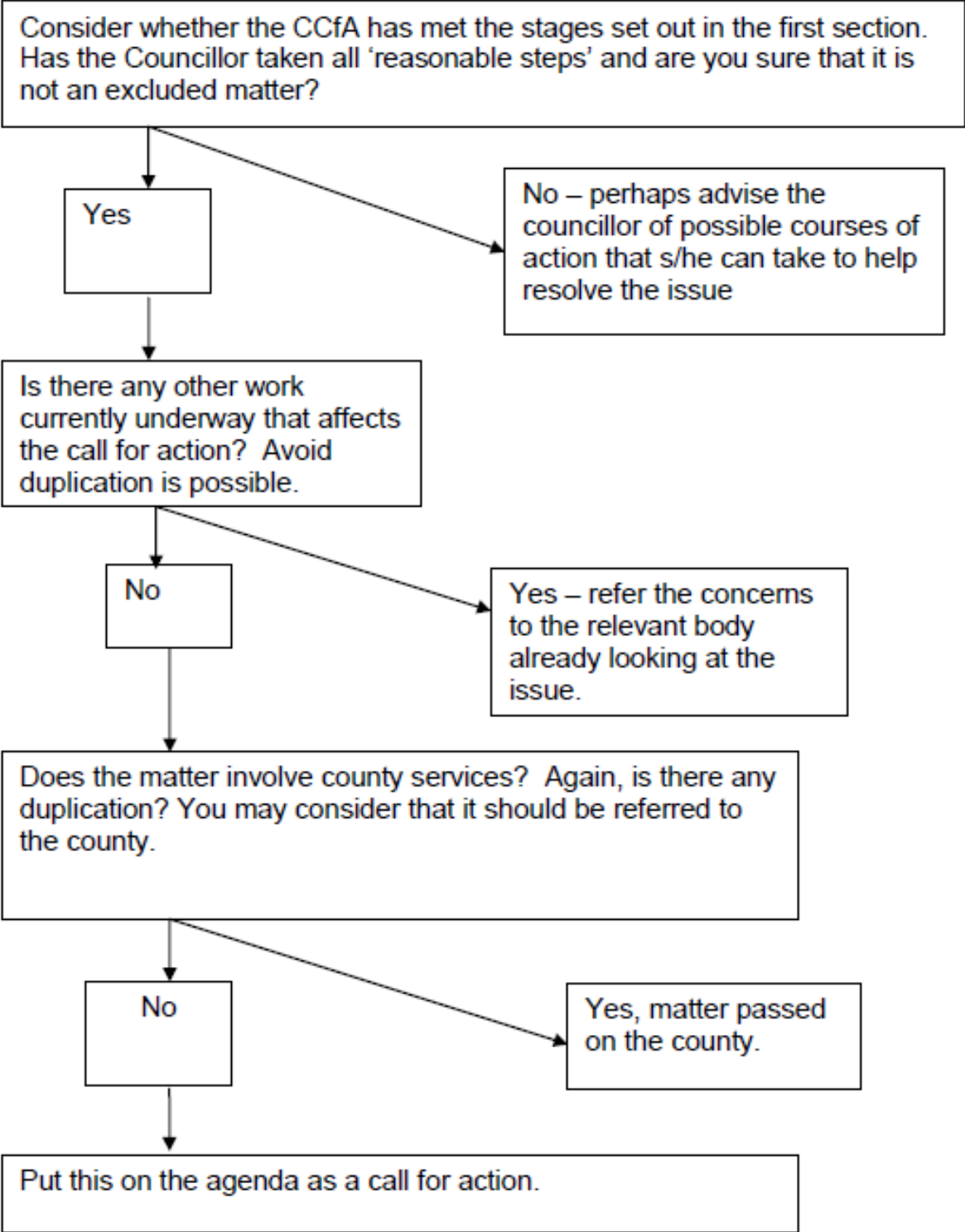
The Councillor Stage



Councillor Call for Action – Improvement and Review Commission stage

A councillor presents his or her call for action.

First, the Improvement and Review Commission must decide whether or not to hear the CCfA in full. This must be done at a committee meeting. If the Commission decides not to go ahead, it must give reasons.



9. SOME DO'S AND DON'T'S OF SCRUTINY...

Scrutiny is about learning and being a 'critical friend'. It should be a positive process.

DO's

- Take an overview and keep an eye on the wider and national picture.
- Benchmark performance against local standards, comparing results with other local authorities, using the results to ask more informed questions.
- Take account of local needs, priorities and policies.
- Be persistent and inquisitive.
- Ask effective questions – be constructive, not judgmental.
- Be open-minded and self-aware, encourage openness within services.
- Listen to users and the public – seek the voices that are not often heard and balance views.
- Praise good practice and seek to spread this throughout the authority.
- Provide feedback to those who have been involved in the review, and to stakeholders.
- Take time to review your own performance.

DON'Ts

- Witch-hunt or use performance review as punishment.
- Be party political.
- Get bogged down in the detail.
- Be frightened of asking the basic questions.
- Undertake too many issues in insufficient depth.
- Start with a clear brief and remit.
- Underestimate the task.
- Lose track of the main purpose of Scrutiny.
- Lack sensitivity to other stakeholders.

Guidance for Councillor for Work Programme Suggestions

Proposed scope / focus of review

Identify precisely what will be reviewed to provide focus and direction.

Your rationale for selection

What are the reasons for reviewing the topic and the key issues? Are they good ones which will stand up to Scrutiny themselves?

e.g. Is the issue important to local people?

What is the strength of Member interest?

What is the possible impact of a review – is there the potential to make a difference?

The focus must be on improving services, performance, policies or decisions for residents and/or significant savings. The Commission needs to be sure that the reviews do not tie up officers on work which has little impact.

Evidence

What are the issues / facts which will support the need for a review?

e.g. Is there any evidence of dissatisfaction with the service or under performance?

Desired outcomes/objectives

What are the outcomes the review is seeking or expected to achieve and how will it benefit or impact on the local community? Again, the Commission needs to be sure that the reviews do not tie up officers on work which has little impact.

e.g. Will the outcomes assist in achieving corporate priorities? If so, which ones?

Other comments

Any other information, proposals or queries.

e.g. How will the subject be reviewed and is this achievable by the resources available?

The Commission needs to be aware of any impact on the ability of officers to deliver services especially small teams where there is likely to be a disproportionate impact.

What sort of timescale is involved?

Need to check what else has happened, is happening or is planned in the areas being considered in order to avoid duplication or wasted effort (i.e. have regard to the wider programmes of reviews recently completed, being undertaken or programmed).

Are there other, more suitable, ways of investigating or picking up the issues?

Work Programme Suggestion Form

Democratic Services
Wycombe District Council
Council Offices
Queen Victoria Road
High Wycombe, Buckinghamshire HP11 1BB

committeeservices@wycombe.gov.uk 01494 421214

Your Name:

Contact Number:

Proposed Scope / focus of review:

Your rationale for selection:

Evidence:

Desired outcomes / objectives / possible terms of reference:

Other comments:

What timescale do you perceive to be necessary for this review?

Urgent
6-12 months

Within six months

Within