

Scrutiny in the London
Borough of Barking
and Dagenham



Scrutiny

A Member's Guide 2018



Welcome to **Scrutiny** in Barking and Dagenham

Whether you are new to Scrutiny or a returning scrutiny councillor, this guide will provide you with an insight into how scrutiny works here and your role and responsibilities as a scrutiny councillor.

If you have any questions which are not answered in this guide, please contact us using the following details:

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Scrutiny

Doctors, Health, Elderly – adult care, Homecare services, Hospital, Social services, **Libraries**, Police and ASB, Communities and cohesion, Museums, Sports centre (Becontree leisure centre), Equalities and diversity, **Job centre in the borough**, Housing, Employment, Skills/jobs, Recycling and fly-tipping, waste management, Parks, Energy, Transport, **Accounts**, Audit, Money, **Education**, Schools, Youth services, School councils, Barking and Dagenham Youth Forum, School children, Lollipop ladies, Children's centres, Child protection



What is Scrutiny?

Scrutiny is a member-led function and comprises of councillors who are not members of the Cabinet. Scrutiny members are empowered to hold the Cabinet, Council service providers and partnership bodies to account for their decisions and performance.

Scrutiny's primary role is to consider issues where the Council and its partners can make improvements, where there is concern in the community or where the Council is making significant changes.

The process aims to ensure that the decisions made by the Cabinet and Council are in the best interests of residents and that the council and others are providing high quality services that improve outcomes for residents.

Scrutiny provides you, as members, the opportunity to:

- Address key issues facing residents of Barking and Dagenham;
- Review and challenge the decisions taken by the Cabinet and the Council's partners;

- Contribute towards the development of key local policies and programmes to help improve services;
- Identify and investigate services or policy areas which appear to be problematic; and
- Represent the views of local residents and other organisations and investigate issues that affect them.

What Scrutiny is Not

Scrutiny is not a process for dealing with individual complaints or concerns. For this, the Council has a separate complaints procedure.

It is also not a forum for officers to submit reports for information, or to consult with members.



What does scrutiny look like here?

Overview and Scrutiny Committee

The Overview and Scrutiny Committee (OSC) is made up of a Chair, Deputy Chair and eight other councillors. There are also four lay members, representing church and parent governor interests, who are co-opted onto the committee specifically for education matters.

OSC can scrutinise a wide variety of issues, including:

- Formal crime and disorder scrutiny;
- The role of the Crime and Disorder Reduction Partnership, safer neighbourhood teams, anti-social behaviour, drugs and alcohol treatment, domestic violence and road safety;
- Community leadership, voluntary and community sector, public involvement and consultation; community cohesion, service delivery, equality and diversity;
- Culture including libraries, museums, arts, sports and leisure;
- Children's social care;
- Education such as school standards, special educational needs and the healthy schools initiative;
- Youth services and youth engagement;

- Children's centres;
- Housing;
- Environmental sustainability;
- Enterprise and Skills; and
- Transport.

Health Scrutiny Committee

The Health Scrutiny Committee (HSC) is made up of a Chair, Deputy Chair and four other councillors. HSC can scrutinise a wide variety of issues, including

- Formal Health Scrutiny;
- Promotion of good health and healthy lifestyles;
- Mental health;
- Reducing health inequalities;
- Community care; and
- Access to care and health services.

The Work Programme

As a member-led process, the members of the Committees agree the overall work programme as well as the topics to review.

Members will need to prioritise the issues they wish to look at by considering those that are of highest importance to the local community as a whole.

To ensure the Committees have a manageable work load, the Scrutiny Officer will put together a work programme based on what is agreed by members at the beginning of each municipal year, although this can be varied by the committees during the year if more pressing issues come to light. The Designated Scrutiny Officer will provide key advice on all items in the work programme.

Scrutiny Reviews

The Scrutiny Committees may choose to carry out a review into a specific area under their remit. The Scrutiny Committees may establish Task & Finish Groups to carry out reviews.

The best practice for generating good suggestions on which topics to review is to consult a wide range of sources.

A good acronym to remember is

PAPER:

- **Public Interest:** Is the topic one that is important to the public and is it timely?
- **Ability to Change:** Will members be able to make a difference by conducting a review on this topic, that will lead to real improvements in services or policies?
- **Performance:** Priority should be given to issues on which the council or the organisation in question is not performing as well as it should do

- **Extent:** Is the suggested topic likely to affect a significant group of people or a few individuals only?
- **Replication:** Is the issue being looked at by another section of the council? If so, the Committee will need to avoid duplication

Reviews will always include a number of key stages, namely:

- Agreeing which topic to review, following the 'topic selection' criteria;
- Producing the terms of reference for the review, which explain the boundaries and objectives of the investigation;
- Scoping the review, which involves making a timetable which tells the Committee what methods will be used to gather the information needed for the review and by when, when the report must be completed by and when it must go to the decision maker. Methods used to gather information are for example, asking relevant officers or experts to attend the Committee's meetings to answer questions or going on a site visit;
- Ensuring the final report goes to the correct body, such as Cabinet, a senior officer or an external organisation; and
- Monitoring the progress of the implementation of the recommendations

How does Scrutiny function?

Scrutiny of key issues affecting Barking and Dagenham

Scrutiny can hold a key role in addressing difficult, cross-cutting issues that fall outside the remit of single organisations. Scrutiny can bring together experts and residents to understand issues in considerable depth, making recommendations for improvement to Cabinet and partners.

Holding the Cabinet to account

Scrutiny can examine and question the decisions or actions taken or due to be taken by the Cabinet. Review of decisions already made by the Cabinet allows the members of the Scrutiny Committees to assess the impact of the Cabinet's decisions or whether any lessons can be learnt. If the Committee feels improvements can be made, it can comment or make recommendations to the Cabinet for consideration.

Pre-decision Scrutiny

The Council's Forward Plan contains key and other decisions due to be made by the Council and the Cabinet. Scrutiny can review the Forward Plan regularly to examine key decisions due to be made that are relevant to their remit. Comments or recommendations can be made to Cabinet for consideration prior to it making the decisions. It is important therefore that Scrutiny Committee members, with the support of officers, put in place processes to monitor the Forward Plan on a regular basis.

Proposed topics

The Cabinet, senior officers and other organisations may refer matters to the Scrutiny Committees to review.

Holding senior officers to account for matters they are responsible for

The Scrutiny Committees can also ask senior officers to engage with them on relevant issues which come to the Committees' attention. They can also review areas of concern to the public about specific services and explore these further with the assistance of senior and other officers.

Conducting Scrutiny Reviews

The Scrutiny Committees may choose to carry out a review into a specific area under their remit.

Assisting the Council in developing policies

The Scrutiny Committees can contribute towards the development of policies within the Council and be part of the consultation and development procedure.

Performance monitoring

The Scrutiny Committees can review the Council's performance against performance indicators for a service and use the data as a resource to inform the scrutiny work programme.

Responding to new legislation

Scrutiny Committees may review new legislation and consider its potential impact on services locally. They can contribute to the Council's response to new legislation by referring their comments or recommendations through the appropriate channels. They can also review the action taken by the Council to new legislation and the impacts of this on the local community. Members should have the following principles in mind when carrying out the functions above:

1. Act as a critical friend when scrutinising Cabinet and/or partner organisations;
2. Enable the voice and concerns of the local residents and communities to be heard;
3. Be carried out by 'independent minded governors' who lead and own the scrutiny process; and
4. Drive improvement in public services

Call-In

The Scrutiny Committees can ask the Cabinet to look again at a decision it has made but not yet implemented.

This process is called "call-in".

The relevant Scrutiny Committee will consider the call-in through a Sub-Committee to review the decision further. The Scrutiny Committees cannot change the decision but can refer it back for reconsideration. Due to the nature of the process, Call-in should only be used in exceptional circumstances. Full details of the call-in procedure can be found in the Council's Constitution.

Petitions

If a valid petition is received by the Council then that petition will be presented to a Scrutiny Sub-Committee to be debated. This will be done in accordance with the Council's Petition Scheme.

Councillor Call for Action

The Councillor Call for Action (CCfA) allows councillors to refer matters of concern within the community to the relevant Scrutiny Committee. The aim of this measure is to provide councillors with additional powers that enable them to respond to local community concerns where other methods of resolution have been exhausted. Full details of the CCfA procedure can be found in the Council's Constitution.

What is the Legal Context of Scrutiny?

Scrutiny is underpinned by the Local Government Act 2000 which requires all local authorities to set up an Overview and Scrutiny function, to ensure that the Cabinet and the Council is held to account.

A number of additional provisions have been introduced since the 2000 Act, which enable the process of 'external scrutiny', where a council's Scrutiny Committee looks at issues which lie outside the council's responsibilities. This means that the Scrutiny Committees can look at the work of any external organisation relevant to their remit. Local Authorities, as part of their Scrutiny function, can use specific legislative powers to scrutinise health bodies and Crime and Disorder Reduction Partnerships.

Councils have been granted additional powers under the following acts of Parliament:

- Health and Social Care Act 2001 required every Council to set up a scrutiny committee with the powers to review and scrutinise the planning, provisions and operation of local health services in the area. At the same time the NHS Trust have a statutory duty to provide information and consult



the committees on proposed development or changes to the provision of health services. This falls under the Health Scrutiny Committee in Barking and Dagenham.

- Police and Justice Act 2006 also required every Council to have a crime and disorder scrutiny committee to review and scrutinise decisions made or actions taken by the Council and other responsible authorities to exercise their crime and disorder function. The responsible authorities are the police, the Police Authority (Metropolitan Police Authority), the Fire and Rescue Authority,



Probation Services, community and voluntary sector and Black and Ethnic Minority Forum. In Barking and Dagenham, this falls under the Overview & Scrutiny Committee.

- Flood Risk Management Overview and Scrutiny Committee (England) Regulations 2011, gives the Overview and Scrutiny Committee the power to request information and scrutinise the local flood risk authority's plans to mitigate flooding.

With the additional powers, the Scrutiny Committees can:

- Require officers of local NHS bodies/responsible authorities for crime and disorder function to attend meetings and answer questions;
- Make reports and recommendations to local NHS bodies/ responsible authorities for crime and disorder function and expect a response within 28 days;
- Monitor the progress against the implementation of the recommendations made to the authorities.

Scrutiny works best when it achieves good working relationships with those it works with, be it the Cabinet, Council service providers or local partners.

What is the role of the Scrutiny Committee Chairs?

1. Chair meetings of the Scrutiny Committees
2. Lead decision-making on behalf of the Scrutiny Committees, working closely with the Deputy Chair and consulting with the wider membership where possible
3. Act as a spokesperson for the Scrutiny Committees, raising the profile of scrutiny internally and externally and using your influence to remove barriers to effective scrutiny
4. Develop a clear understanding of the terms of reference of the committee and the scope and range of the services for which it is responsible
5. Ensure that the Scrutiny Committees work within their remit, are balanced in its focus of work, and fulfils any agreed terms of reference
6. Work closely with the Scrutiny Officer for the committee and the statutory Scrutiny Officer to deliver the agreed work programme
7. Review, challenge and question the implementation of agreed policy and service delivery and make appropriate recommendations to the Cabinet
8. Ensure the work of the Scrutiny Committees contributes to the delivery of best value and continuous improvement in services and implementation of best practice
9. Encourage and establish good working relationships between the Scrutiny Committees and the Cabinet, ensuring good two-way dialogue to keep parties advised of progress, discuss issues arising from scrutiny reviews and action being taken by the relevant Cabinet Member(s) to address the concerns of the Scrutiny Committees.
10. Assist in the development of the Council's budgetary and policy framework and ensure that the Scrutiny Committees are responsive to local concerns / issues
11. Create an atmosphere of participation where the views of other members are respected and valued
12. Enable all Scrutiny Committee members to play a full part in the scrutiny process and delegate tasks as appropriate to other Committee members and support less experienced scrutiny members
13. Identify training and development opportunities for Committee members
14. Ensure that recommendations are well evidenced, deliverable and will make a positive impact on public services and the wider community
15. Take an active role in the drafting of scrutiny to see that it reflects the views of the Committee as a group
16. Attend all pre-meetings and agenda-setting meetings of the Committee
17. Give suggestions where scrutiny could be improved and participate in review groups set up for this purpose.



Deputy Chair Duties and Responsibilities

1. Deputise for the Chair in all of the above where necessary
2. Support the Chair in the effective management of the Committee
3. Lead working groups and be responsible for reporting findings back to the Committee
4. Attend all pre-meetings and agenda setting meetings of the Committee

What do the Scrutiny Committee members do?

Members of the committees are responsible for:

- Reading reports and papers before a meeting happens
- Raising relevant and timely questions at meetings
- Considering the views of residents, service users and organisations in formulating an opinion
- Getting involved in activities that the committee has agreed to undertake outside of formal meetings (e.g. site visits, attending training)



Collective Responsibilities

1. Attend all formal and informal meetings of the Scrutiny Committees
2. Champion the four principles of good scrutiny:
 1. Providing a “critical friend” challenge;
 2. Reflecting the voice and concerns of the public;
 3. Taking the lead and owning the scrutiny process; and
 4. Making an impact on the delivery of public services.
3. Be a ‘critical friend’ to Cabinet members, senior officers and partners when holding them to account
4. Seek evidence from a wide range of stakeholders
5. Maintain an oversight of the Council’s Forward Plan, being mindful of contentious issues / proposals, and put forward ideas for possible pre-decision scrutiny reviews.

6. Seek professional advice on the scrutiny process to ensure that the Committees act in accordance with the Council’s Constitution

What is the role of the Scrutiny Officer?

Scrutiny is based under Democratic Services. The role and responsibilities of the Scrutiny Officer is to:

- Support the process of identifying topics to scrutinise.
- Manage the work programme of the Scrutiny Committees;
- Manage scrutiny reviews, and when required produce reports and recommendations on behalf of the Scrutiny Committees.
- Publish agendas, draft and publish minutes on to the council’s website.
- Prepare briefing notes for the Chairs;
- Manage scrutiny meetings and ensure that they are run in line with the council’s rules and procedures;
- Undertake research on behalf of the Scrutiny Committee members;
- Liaise with Senior Officers or other organisations to provide reports or information commissioned by the Scrutiny Committees;
- Invite and arrange meetings for officers within the council and other organisations to provide evidence or information to the Scrutiny Committees;
- Arrange site visits for members undertaking scrutiny work;
- Provide procedural and constitutional advice to the members;
- Promote and encourage public engagement within the scrutiny process;
- Promote scrutiny amongst partner organisations and within the council; and
- Manage Call-ins, Petitions and Councillor Call for Action (CCfA) in line with council processes when these are referred to the Scrutiny Committees.

Useful information

Council Constitution

Further information of the remit of the Scrutiny Committees can be accessed via the Council Constitution. The Constitution also sets out the procedures for Call In and Councillor Call for Action.

<https://modgov.lbbd.gov.uk/internet/ieListMeetings.aspx?CId=626&Year=0&Info=1>

Centre for Public Scrutiny (CfPS)

The Centre for Public Scrutiny is the national leader on scrutiny and accountability in public services.

If you would like further information about best practice in Scrutiny, how other authorities do Scrutiny and some excellent examples of how Scrutiny has made a real difference through reviews, please visit the CfPS website

www.cfps.org.uk



A hand holding a magnifying glass over the word 'Scrutiny'. The magnifying glass is positioned over the word, making it appear larger and more prominent. The background is a gradient of red and orange with a white wavy line.

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