MERTHYR TYDFIL
County Borough Council
Cyngor Bwrdeistref Sirol
MERTHYR TUDFUL

A practical guide to
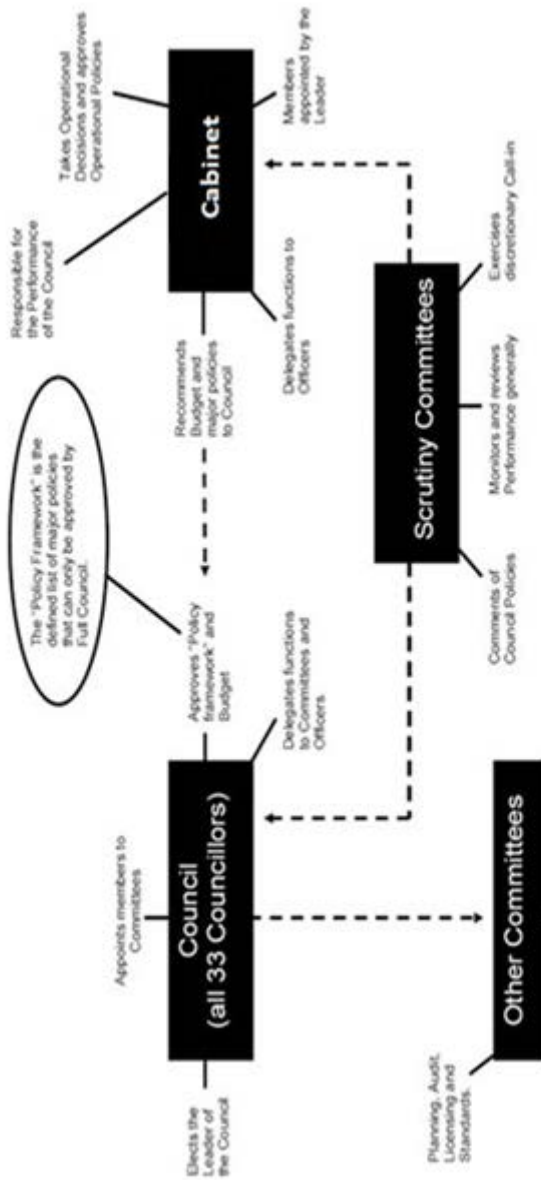
Scrutiny

at MTCBC

Contents

MTCBC's Political Structure — How it works.

Council (all 33 Councillors)
- Appoints members to Committees
- Elects the Leader of the Council
- Approves "Policy framework" and Budget
- Delegates functions to Committees and Officers

The "Policy Framework" is the defined list of major policies that can only be approved by Full Council.

Cabinet
- Takes Operational Decisions and approves Operational Policies
- Responsible for the Performance of the Council
- Members appointed by the Leader
- Recommends Budget and major policies to Council
- Delegates functions to Officers

Scrutiny Committees
- Exercises discretionary Call-in
- Monitors and reviews Performance generally
- Comments of Council Policies

Other Committees
- Exercise functions delegated by Council
- Planning, Audit, Licensing and Standards.

NOTE: This diagram is intended to be indicative of how the political structure of the Council works and does not seek to cover all aspects.

A) What is overview and scrutiny? The aims function and scope of scrutiny.

1   OVERVIEW

This guide introduces the concept of Overview and Scrutiny, and its place in the political structures of local authorities. It describes Merthyr Tydfil County Borough Council's Scrutiny Committees and their aims, functions and scope for operating.

This booklet does not cover every aspect of scrutiny work but as its title suggests, it is a guide. More detailed procedures are provided in the Council's Constitution and there is a plethora of publications available about scrutiny.

Throughout this guide "overview and scrutiny" will be referred to as scrutiny (as it is more commonly known) or the scrutiny role; however for the sake of clarity a brief overview of the difference between "Overview" and "Scrutiny" is shown below.

"Overview" is sometimes referred to as policy review. It seeks to involve itself before a decision is made, to bring information and ideas to the table to help improve decision making. This gives Members a role in policy and decision making far earlier than had previously been possible. It also involves monitoring of on-going actions to ensure they are delivering the intended and best outcomes.

"Scrutiny" - the scrutinising of decisions takes place after decisions have been made. It is an opportunity to question why the course of action was taken, and if necessary propose an alternative. Decisions can be monitored over a longer period of time to ensure that the intended outcomes are realised. In its strongest form it can stop a decision being implemented until it has been scrutinised using a mechanism called "call-in" (more later).

The Local Government Act 2000 introduced major changes and was part of a wider government policy to strengthen local authorities' ability to deliver effective community leadership, democratic renewal and continuous improvement in services.

Their purpose is to create efficient, accountable and transparent governance that supports the wider agenda. This is the heart of the Government's programme for modernising local government. The aim is also for local people to know more about how their local Council works and become more involved.

Scrutiny is the process by which the Council looks at its own performance, and that of other public sector services, to check how well they are doing. It aims to improve the way in which services are delivered by looking for new ways of working, reviewing existing policies, or suggesting new ones and challenging overall performance.

2 PURPOSE OF MTCBC'S OVERVIEW AND SCRUTINY COMMITTEES

Merthyr Tydfil County Borough Council has five Scrutiny Committees (also known as "scrutiny panels"), which have been established to monitor decisions, review policies and performance and to make recommendations for future action. Scrutiny Committees are not "decision-making" bodies, but "influencing" bodies. Each Scrutiny Committee looks at different aspects of the Councils services (see table on next page).

As well as scrutinising individual decisions, Scrutiny Committees have an important role in reviewing council policies and making recommendations to the Full Council or to the Cabinet on future policy options. They can also review the discharge of non-Cabinet functions and report on matters of more general concern.

Learning and LAESCYP Scrutiny Committee	Social Services Scrutiny Committee	Neighbourhood Services & Public Protection Scrutiny Committee (Including Crime & Disorder Committee)	Regeneration, Planning & Countryside Scrutiny Committee	Governance, Performance, Business Change & Corporate Services Scrutiny Committee
(Portfolio Member)	(Portfolio Member)	(Portfolio Member)	(Portfolio Member)	(Portfolio Member)
(Chief Officer Learning) Chief Education Officer Learning for Life Schools School Improvement & Inclusion	(Chief Officer Social Services) Director of Social Services Social Care for Children Young People & Adults Social Care Prevention & Early Intervention	(Chief Officer Neighbourhood Services) Highways & Engineering Bereavement Street Cleansing Parks & Grounds Maintenance Property & Estates Refuse & Waste	(Chief Officer Community Regeneration) Physical Regeneration Economic Development Tourism Employment & Employability European & Transnational Funding Communities First	– Business Change Team – Corporate Communications – IT (& Print) – Emergency Planning – Merthyr Local Service Board (Head of Finance) Section 151 Officer Accountancy & Insurance Procurement & Payments
(Prevention and Early Intervention) Early Years, Childcare & Play Young People Services Family Services (Prevention) Adult, Family & Community learning Communities First Employability	(Head of Adult Social Services) Adult Services Community Services	(Head of Public Protection & Housing) Trading Standards Public / Environmental Health Home to School / Subsidised Transport Registrars Community Safety	(Head of Public Protection & Housing) Housing & Housing Renewals Licensing Disabled Facility Grants	(Head of Legal & Governance) Monitoring Officer Legal Democratic & Scrutiny Services Electoral Services
(School Planning & Improvement) Education Resources Education Planning Education Support Services	(Head of Children Social Services and Safeguarding) Children Services Family Services (Social Care) Youth Offending Looked After Children Children with Disabilities		(Head of Planning & Countryside) Building Control Development Control Policy & Implementation Rights of Way	(Head of Corporate Services) Central Services Customer Contact Centre Revenues Benefits Audit Counter Fraud Planning, Performance, Equalities & Risk Partnerships Leisure & Cultural Development
				(Head of Human Resources & Organisational Development) Operational HR Health & Safety Occupational Health Workforce Development Payroll & Pensions
Corporate Director (People and Performance)			Corporate Director (Place & Transformation)	
Corporate Functions Performance Scrutiny Cultural Change Workforce Development	Service Functions Wellbeing & Poverty Learning Social Care Prevention & Early Intervention Designated Lead Director for Children & Young People under the Children's Act in Wales (2004)	Corporate Functions Transformation & Business Change Corporate Planning Communication, Reputation & Participation	Service Functions Regeneration Neighbourhood Services Regulatory Services Corporate Services	Service Functions

Remember Scrutiny is not confined to looking at the Council. It can respond to the actions of other organisations in the County Borough whose operations affect local residents, inviting their representatives to attend meetings and answer questions.

The various Committees should, in an impartial evidence based manner:

- ✓ analyse and assess the activities and processes of the Council
- ✓ analyse and assess the activities of other organisations
- ✓ consider local issues and concerns, and identify how and where things can be improved.

3   WHATARETHEAIMSOFSCRUTINY

To help improve the Council's performance

To ensure that decision making is clear, transparent and accountable

To help the Council deliver services which are sensitive to local needs by involving local people.

To engage with service users and the wider community in decision making and the scrutiny process.

4   THEROLEOFSCRUTINYCOMMITTEES

Scrutiny is the process where non-executive (non–Cabinet) Councillors examine the authority's functions and services, plus those of our partner organisations. The aim is to improve services provided to the local community through positive challenge. To do this, the Scrutiny is involved in:

1. Holding Cabinet to account for its decisions in its leadership of the local authority. This power is best represented by the process of call-in, whereby a specific decision can be arrested and reviewed in a formal meeting with evidence from the decision maker and those calling in the decision. This involves scrutinising

decisions of Cabinet at a number of different stages of the decision making process: before decisions are made; before they are implemented; and after they are implemented. Following this and on the balance of the evidence received, the decision can be accepted or recommendations made to the decision-maker for it to be reconsidered or changed in some way.

2. Policy review and development. Scrutiny may decide to consider existing council policy or services to evaluate their effectiveness. Depending upon the evidence gathered it may be concluded that a policy or service is performing well, or recommendations may be made to improve or reshape the policy or service area.

3. Performance Monitoring. Scrutiny has an important role to play in performance monitoring by holding the executive to account for the performance of the council against local and national standards; and for the improvement of individual services and departments. Scrutiny can examine any aspect of the Councils performance, including services that we deliver through partnerships with other organisations. Each service area has targets and Performance Indicators to satisfy and that performance is reported upon. Scrutiny can look at this performance management information to ensure that the Council is performing to agreed targets and action plans. (See APPENDIX III for suggested scrutiny questions and planning checklist)

4. External Scrutiny. Scrutiny can engage in External Scrutiny. These initiatives are all concerned with ensuring local elected representatives have a greater say over public services which impact upon their communities, with the local electorate able to observe the transparent, evidence based Scrutiny process. Aside from specific service areas, local authorities also have a power to promote the social and economic wellbeing of the area. Using this power, Scrutiny can scrutinise any matter which

has an impact on a community. This contributes to the perspective that elected local representatives can and should play a crucial role in 'place-shaping' and influencing the future vitality of their community.

The scrutiny role also provides new opportunities for public involvement and debate. This can support elected members in taking a community orientated approach and brings new ideas and experience to scrutiny. Above all, the process needs to be firmly focussed both on matters of importance, and in making a difference, as this will be key to scrutiny reaching its potential and being of value to the Council and to local people.

WhatcanScrutinyleadto?

If it's done effectively, Scrutiny can have the following outcomes:

> A Council which examines its own performance and reports to the public on how well it is meeting its commitments;
> Improved policies and services from the Council;
> Improved policies and services from other organisations;
> Public and other services that operate more effectively;
> More openness and accountability about the way decisions are made;
> A Council that holds to account those responsible for carrying out policies and delivering services
>
> See also Appendix II "UNDERSTANDING YOUR ROLE" (PAGE 63) for further details on this subject, as provided by the CfPS.

5. THE PRINCIPLES UNDER WHICH SCRUTINY COMMITTEESOPERATE

The principles which Members of Scrutiny Committees will operate by, and which will underpin their work are –

- ✓ Be user focused
- ✓ Take account of public views
- ✓ Be an independent process, being both apolitical and separate from the Cabinet
- ✓ No Members should scrutinise the areas and decisions
- ✓ for which they have been responsible
- ✓ Members will avoid conflicts of interest

The Centre for Public Scrutiny has developed four principles of effective scrutiny. These four principles underpin the work of Scrutiny. The four principles are to:
(See APPENDIX I1 on page 63 for further details)

1. Provide 'critical friend' challenge to executive policy-makers and decision-makers
(How can non-executives most effectively provide constructive, robust and purposeful challenge that will prompt executive reflection on policy development and decision making?)

2. Carried out by 'independent minded governors' who lead and own the scrutiny process
(How can scrutineers ensure their activities focus on issues of community concern and involve an ongoing dialogue with the public, which is heard and responded to?)

3. Drive improvement in public services.
(How can non-executives most effectively champion the value of scrutiny among colleagues and the public, and proactively build towards a credible, independent scrutiny function?)

4. Enable the voice and concerns of the public and its communities.
(How can scrutineers ensure their activities are having an impact on service delivery and resulting in improved community well-being?)

B)   The mechanics of scrutiny committees.

This section looks at the nuts and bolts of Scrutiny Committees – how they are put together, their meetings, work with witnesses and the format for reporting to and by them. The wide-ranging remit for calling on witnesses and other types of professional support are also outlined.

1.   MEMBERSHIP

The Full Council of MTCBC will appoint the members of each Scrutiny Committee. These appointments will be on the basis of political proportionality. The Full Council will make sure that no members of the Cabinet are Members of the Scrutiny Committees.

Each Scrutiny Committee will have 7 Councillors, together with two co-opted members appointed by public advert, and 1 voluntary sector co-opted member nominated by Voluntary Action Merthyr Tydfil (VAMT).

The Learning & LAESCYP Scrutiny Committee (which includes Education in its remit) will also appoint one Church in Wales diocese representative, one Roman Catholic representative and two Parent Governor representatives as representatives of the committee. All four of these Education co-optee representatives can only vote on matters that relate directly to Education matters.

No Member may be involved in scrutinising a decision in which he/she has been directly involved in.

2.   MEETINGS

The four Scrutiny Committees shall each have at least 8 ordinary meetings in each year and in addition extraordinary meetings may be called from time to time as and when appropriate.

Scrutiny Committee meetings will normally be held in public and members of the public can be invited to speak and give evidence.

Quorum – the quorum will be 3 Councillors present.

Some information can or must be withheld from the press and the public. <u>Confidential information</u>: This can include information provided by a Government department on the basis that it must not be disclosed, or information identified as confidential by an Act of Parliament or an Order of Court; and <u>Exemptinformation</u>: This is defined under schedule 12a of the Local Government Act 1972.

Subject to consultation with the Chair, officers may require that Scrutiny Committees move into closed sessions to discuss other sensitive issues. These may include:

> Contract Monitoring
> Industrial relations
> Commercial Sensitivity
> Personal Sensitivity

3 HELP&SUPPORT

How is support for Scrutiny provided? Support for Scrutiny, comes from 2 main sources within the Council:

1. Scrutiny Support
2. Council Departments

1) THE ROLE OF THE SCRUTINY SUPPORT IS –

a) Generally

To develop the Scrutiny function in MTCBC
To take a pro-active approach to the support role.
To support and advise Scrutiny Committees on the application and operation of Scrutiny.
To assist Committees decide on suitable subjects for Scrutiny.
To measure progress and chase issues.

To support and advise Scrutiny Committees on the achievement of their agreed objectives.

b) To manage and carry out projects
   To plan prepare and manage Scrutiny Projects on behalf of Committees.
   To undertake research work for Committees.
   To arrange and support activities and events proposed by Committees.

c) Work and programme planning.
   Developing and maintaining forward programmes for Committees in conjunction with the committee.

d) Building Agendas and producing Minutes
   Follow the Committees' work programmes.
   Balance the range of Scrutiny activities
   Assist Chairs/Committees to prioritise items
   Analyse and annotate reports
   Advise Chairs on potential items for Scrutiny
   Publish Minutes of Scrutiny meetings.

e) Producing reports
   Assist in the writing of reports on behalf of Committees when required. Scrutiny committees are however responsible for their own reports.

f) Engage the public and groups outside the Council
   Promote and publicise the Scrutiny function

g) Encourage participation

h) Find "experts" and appropriate co-optees and facilitate their attendance at Committee meetings, etc.

2)   THE ROLE OF COUNCIL DEPARTMENTS –

The obligations of departmental officers with regard to Scrutiny are set out in Part IV of the Council's Constitution (Scrutiny Procedure Rules). Input from departments is otherwise ad-hoc and dependent

upon the agreement of the relevant service Director. Scrutiny Committees can ask Council staff for information and opinions.

4.   REPORTSBYSCRUTINYCOMMITTEES

Scrutiny Committees have no executive powers: they must make recommendations to Council or the Cabinet if they wish action to be taken. The report will go through the following stages;

a)   A draft report will be prepared by the relevant Scrutiny Committee and the Scrutiny Officer covering; the evidence taken; key issues identified; conclusions; and recommendations.

(If the scrutiny committee cannot agree on one single final report then up to one minority report may be prepared and submitted for consideration with the majority report.)

b)   The scrutiny committee will then send a draft copy of the report to the appropriate Director and Cabinet Portfolio Member for comment and return within 10 working days. This is to agree facts and to give the appropriate parties time to prepare their response once the report is presented to the Cabinet or Council as appropriate.

c)   Once the report is finalised taking into account comments received from the Director / Cabinet Member, It will be placed on the agenda for Cabinet or Council as appropriate.

The recommendations in Scrutiny reports must be evidence based. Where the Committee has not been able to find clear evidence the report should be based on justified and reasoned assumptions.

Final reports will present a full picture and seek properly to reflect the range of views within the Scrutiny Committee. The report will include clear recommendations and time-scales for implementation and review, where necessary.

C)   Scrutinyin action

This section looks at how Scrutiny works in practice and the decisions that have to be made before, during and after the Scrutiny process.

1.   THEOVERALLPROCESS

Decisions have to be made about what to scrutinise and how to scrutinise it. Scrutiny Committees can be responsive to individual subjects. There are different types of Scrutiny to choose from as mentioned earlier in this guide i.e. in relation to; Holding Cabinet to account; policy review and development; performance monitoring; and external Scrutiny. (See earlier "The Role of Scrutiny")

Whether it is a large, medium or small undertaking before it, the Scrutiny process will be made up of a number of key steps. Those steps will include all or some of:

Agreeing the brief & Planning the work
Preparing the groundwork
Finding out the views of stakeholders
Interviewing witnesses & collecting evidence
Scrutinising the evidence & reaching conclusions
Considering the implications of those decisions
Providing feedback to stakeholders and witnesses
Reporting to the Cabinet or Full Council.
(See also Section 4 – UNDERTAKING A SCRUTINY REVIEW OR INVESTIGATION)

2.   SOURCEANDSELECTIONOFAGENDAITEMS

Any Councillor, Scrutiny co-opted member, the Full Council, the Cabinet or a Scrutiny Committee can suggest items for the agenda. Each Scrutiny Committee will decide for itself what to put on its agendas. It will take account of:

The Committee's work programme

What it already has to do
What the Full Council or the Cabinet has referred to it
What it wants to do
What other individual Members have said it should do
The resources needed and available
How long it is likely to take
The likelihood of something significant or valuable coming from the work
The availability of expert witnesses or other sources of independent and reliable evidence.
Whether or not another body or agency more appropriately deals with the matter.

Much will depend on the priority the issue has or that the Scrutiny Committee perceives it to have. The questions that Scrutiny Committees may usefully ask include:

What importance is this matter to people who use the service? To key stakeholders? To the electorate?
Will work by the Scrutiny Committee be likely to have an impact on this?
Is there evidence of a real or perceived or imminent failure in service delivery or in policy?
Is a breach of statutory duties involved?
Is there likely to be much press interest in this issue?
Is the matter causing or likely to cause public concern?
What do other Members think about this?
What do senior officers think about this?
How long since this was looked at by an investigating body?

3.   DEVELOPINGAWORKPROGRAMME

The success of scrutiny depends on:-

The Committee taking a lead in setting a clear, realistic, balanced work programme focused on priorities
Only selecting topics where scrutiny can add value

Rigorous project planning and scoping of reviews
Range of investigative methods
Well presented evidence based final reports
Follow-up

Below is useful guidance provided by the Centre for Public Scrutiny.

6.1   Developing a Work Programme for Scrutiny.   Scrutiny committees ownership and control of their own work programmes is crucial to the development of a strong and distinctive role. The committee needs to be clear, therefore, what its own priorities should be. When resources are limited, it is also important to be realistic: not taking on too much; starting small and doing a good job with the resources available and building up from there. Research has identified a number of important factors in developing a work programme:

Criteria for inclusion in work programme: having a set of criteria helps the committee to focus clearly on key issues and avoid becoming sidetracked. The committee needs to develop its own criteria, which might include:

- Council priority.
- Member concern.
- Public concern.
- Poor performance.
- Budget implications.
- Government priority.
- Issues on which action can be taken and therefore scrutiny can add value.

Consultation: there should be wide consultation on the work programme, with other Members, the public and partners, to ensure relevance, timeliness and added value.

Ownership & Development of Work Programme: The ideas which have come forward through consultation, reviews, performance monitoring and review of council priorities need to be fed into the

discussion of the work programme, with all Members of the committee involved in the debate.

Balanced, prioritised, flexible work programme: The work programme should be a balance of in-depth reviews, performance monitoring and external reviews; and should be prioritised to make the best use of scarce resources. It should be flexible, in order to respond to emerging concerns. It should also contain some 'quick wins', which will increase the committee's confidence and demonstrate the value of overview and scrutiny to others.

Monitoring and evaluation of scrutiny is important in order to know whether it is making a difference. This should include:

- Development of performance indicators, measuring outcomes of scrutiny recommendations, as well as whether they were accepted; regular progress reports to scrutiny committee and to full council;

- Publication of an Annual Report;

- Surveys of people who appear before committee and Members of the public who have attended meetings and events.

Developing a Scrutiny Forward Plan for the year. For Scrutiny Members, this helps with agenda planning, ensuring adequate time for discussion. For non-scrutiny Members and officers, it gives plenty of notice of attendance at scrutiny meetings and helps to maintain good relationships with non-scrutiny officers and Members.

4. UNDERLINING A SCRUTINY REVIEW OR INVESTIGATION

Scrutiny reviews need to be carefully planned and managed through their various stages. It is suggested that the following approach be adopted for all scrutiny reviews:

Stage 1	**Agree the issue**
Stage 2	**Determine the nature of member involvement** The Scrutiny Committee will agree how the issue is to be investigated and will agree the membership of any working group.
Stage 3	**Scoping Exercise.** At the first meeting, the committee/work group should identify the over-arching question for the review, the information required and the organisations that need to be involved. The timetable of meetings and estimated completion date should also be agreed.
Stage 4	**Engage Partners, Public and the Media**
Stage 5	**Gather the evidence –** oral and written evidence
Stage 6	**Formulating recommendations and reporting** The data and evidence gathered will need to be reviewed in order to form conclusions and recommendations. The final report will then be presented to the full Committee and Cabinet and/or Council.
Stage 7	**Follow-up** Members will need to consider how the review will be followed up. If Cabinet produces an action plan in response to the review scrutiny members can monitor the action plan

Step 1: Agree the Issue

The first step is for scrutiny members to be sure that the subject to be reviewed is significant. Undertaking in-depth investigations is resource-

intensive – of member and officer resources. Investing such a high level of resources should only be undertaken for high priority issues.

The following are criteria, which could be used to 'check' a topic against, to ensure that it would make a worthwhile review:

Issue identified by members as key issue (through members' surgeries and other constituency activities);
Poor performing service;
Service ranked as important by community (through market research, citizens' panels and so on);
High level of user/general public dissatisfaction with service;
Public interest issue highlighted in local media;
High level of budgetary commitment to policy/service area;
Pattern of budgetary overspends.
Council corporate priority area;
Central government priority area;
Issue raised by external audit's Management Letter, or in Inspectorate Reports
New government guidance or legislation.
Organisational arrangements

Step 2: Determine the nature of Member involvement

The committee will need to decide how members will drive the investigation. There are three possible approaches to member involvement:

The whole committee investigates the issue;
A task and finish working group is established to drive the investigation;
Individual or paired members drive the investigation.

For the majority of investigations the first two are likely to predominate, although individual or paired members may be used to investigate particular aspects of the subject area. Whichever approach is

adopted, all activities should be conducted in the same spirit with the same willingness to experiment, challenge and explore different ways of doing things. Vital to the whole review activity is that members take full control of which policy problems and solutions are explored and how that exploration takes place. Members need to take responsibility for, and ownership of, the outputs and outcomes of reviews.

Step 3: Scoping Exercise

Any resource-intensive investigation requires careful project planning and the better the planning beforehand the more successful the review will be in the longer term.

Careful project management involves drawing up a project plan for the investigation. Such a plan covers at the least key issues such as:

> A fixed period for the activity.
> The creation by members of a 'terms of reference' for the investigation.
> Calling of independent and expert witnesses.
> Hearing of evidence from stakeholders, communities and citizens, led by members.
> Member visits, information and data collection: qualitative and quantitative.
> A series of events at which members sift, discuss and assess evidence gathered.
> Checking of member responses to evidence and data with stakeholders, communities, citizens and experts.
> Final report to council and/or cabinet – with provision for a minority report if felt necessary.
> Decision by council and/or cabinet reported to the committee.
> Review and up-date of the implementation or development of the policy – with targets and criteria for assessment

Step 4: Engage Partners, Public and the Media

If scrutiny committees are going to realise their potential in terms of contributing to the community leadership work of their authorities, then they have to engage partners, the public and the press. Developing such an outward focus is challenging for scrutiny. Before starting the investigation, Members should consider whether and how to engage partners, public and the media.

Consideration could be given to the following:

> Can partners/public/press be involved as participants in the investigation?
> Can partners/public serve as co-opted members?
> Can partners/public/press be invited as observers/spectators?
> Can partners/public be invited as witnesses to give evidence?

Step 5: Gather the evidence – written and oral evidence

Written and Secondary Evidence

This stage of the investigation involves the following:

> Calling for written evidence from a range of internal and external individuals and organisations. This very much follows the parliamentary select committee approach.
> Reviewing existing internal council plans, policies, strategies, service plans and reports which are relevant to the subject area;
> Reviewing relevant Government guidance, legislation and documentation;
> Reviewing relevant guidance, good practice guides from national and regional bodies (such as WLGA, IDeA);
> Reviewing good and innovative reports and plans from other authorities.

<u>OralEvidence</u>

If the authority has gathered written evidence from a range of organisations, then it can use this evidence as a guide for inviting a selected number of organisations to provide oral evidence to the committee.

Generally, internal witnesses would include relevant cabinet member(s) and relevant senior officers.

External witnesses can be drawn from a wide range of individuals and organisations, as the following demonstrates:

> Members and officers from other local authorities;
> Senior officers from external local public agencies e.g., directors of health trusts, health authorities, Learning and Skills Councils and so on;
> Senior officers from external regional public agencies e.g., Government Officers, Regional Development Agencies;
> Representatives from local voluntary sector organisations, regional organisations and national organisations;
> Representatives from professional associations;
> Representatives from trade unions;
> Representatives from the private sector (chamber of commerce and so on);
> Representatives of user groups (local, regional, national);
> Community representatives;
> Recognised experts in the subject area (academics, public or private sector managers).

Step6:FormulatingRecommendationsandReporting

Members will need to review the data and evidence that has been collected to form their conclusions and recommendations and draft their report.

Good reports:

> Are evidence-based, outlining the written, oral and other evidence presented to the committee;
> Are user friendly, written in plain English;
> Use photographs, graphs, charts and other visual aids to engage the readers;
> Include a brief, concise summary;
> Include SMART (specific, measurable, accurate, realistic and timely) recommendations.

Sending draft reports to those individuals and organisations who provided evidence is also seen as good practice. Participants should also be given the opportunity to comment on any recommendations relating to their area of participation.

If a working group has been established, its report and recommendations must be presented to and approved by its parent scrutiny committee before reference to Cabinet. Cabinet should then be given the opportunity to comment on reports and it should determine its response to reports and action any agreed recommendations.

Any decision of the Cabinet in respect of the report will be referred to the next meeting of the scrutiny committee together with its observations.

Step7:Follow-up

Follow-up is key to successful investigations. Progress reports on actions taken from the investigation are valuable six months after the initial investigation has been completed. On completion of the review, Members should consider what follow-up action will be taken.

Sometimes issues may arise which do not merit a formal report but which a scrutiny committee or Chairman consider are worth raising

with the Cabinet Member or Director. There is nothing to prevent this being done through informal dialogue but the Committee may wish to seek feedback on how the issue is to be taken forward.

5.   HOWMUCHSCRUTINY?

Scrutiny Committees will decide how a piece of work will be done. Do they need to interview a few people or get a wide selection of views?

Much will depend on the information – and its source – that is already available. Questions that a Scrutiny Committee can usefully ask at this stage include:

> Are statutory requirements being met effectively?
> Do people who need and use the service get what they need and when they need it?
> Are the specific needs of user groups being met?
> Are quality services being delivered?
> Does the service compare well with others and against national performance indicators?
> Is the service an improving one?
> Does the service know what changes are imminent or likely and are preparations being made?
> Is an Improvement Plan due (Wales Programme for Improvement)?
> Are any audits or external inspections due?

The greater the number of these questions answered negatively or not at all, the greater the need for a Scrutiny Committee to get involved. The answers to these questions may also help to gauge the amount of involvement needed.

Scrutiny Committees have a wide scope. They have license to scrutinise whatever policies or the implementation of policies or other relevant issues they feel appropriate. They cannot, however, consider the same issue continuously or without good reason.

The only issues that Scrutiny Committees may not investigate are those limited by issues of probity or subject to appeal.

6.   INFORMATION

Rights of Access - Subject to Rule 16.2 below, the Scrutiny Committees will be entitled to access to any document which is in the possession or control of the Cabinet or individual Members and which contains material relating to:
(a) Any business transacted at a meeting of the Cabinet or its Committees; or
(a) Any decision taken by an individual Member of the Cabinet.

16.2 Limit on rights - Scrutiny Committees will not be entitled to:
(a) Confidential or exempt information.
(b) Advice provided by a political adviser or assistant

unless that information is relevant to an action or decision that is being reviewed or scrutinised or any review is being undertaken in a programme of work by a Scrutiny Committee.

Scrutiny Committees can ask Council staff and other people for information and opinions. They should ensure, so far as is practicable, that what they receive is clear. When considering an issue, Members may wish to be informed about:

Background

Major changes over the last (say) 5 years
Recommendations and outcomes of recent local reviews, inspections, audits etc.
Challenges or opportunities facing the service
Where provision or practice does not meet the public's needs or wishes
How service delivery is affected by budgets
Links with other organisations?
What is the match to policy and plans?

What major changes are foreseen? (Legislation, demand etc.)

<u>Servicedeliveryissues</u>

How the public's needs and wants are met.
How are needs and wants understood and defined?
What is communicated, to whom, and how? Is it effective?
What resources are employed? People, buildings, equipment, information
How are those resources deployed to meet priorities? Should these arrangements continue?
Costs
Partnership arrangements – current and potential.

<u>Performance</u>

How effective is the service and how is this known?
What trends do performance indicators show?
What feedback has there been?
How well does the service compare with others in the field?
Performance against standards and targets
External awards, accreditations.

7.   <u>CALL-IN</u>

Call-in

Call-in should only be used in exceptional circumstances. These are where a Scrutiny Committee has evidence that suggests that the Cabinet did not take the decision in accordance with the principles set out in Article 13 (Decision Making) of the Constitution, and the policy and budgetary framework or within the key decision forward plan process. (SEE COUNCILS CONSTITUTION FOR DETAILS)

Call-in allows a proposed decision of the Cabinet to be reviewed by a Scrutiny Committee prior to implementation. A

scrutiny committee cannot change the decision, but it can refer it back to the decision maker for reconsideration with recommendations for an alternate course of action.

The effect of call-in of a Cabinet decision is to suspend that decision pending: (a) Review of that decision by the appropriate Scrutiny Committee, and if the Committee supports the call in; (b) Referral of the decision back to the decision maker for reconsideration.

Call-in therefore has the potential to significantly delay the implementation of a decision by the decision maker to make a decision and therefore should be used with caution.

The call-in procedure rules are set out in detail in the Council's Constitution

8. SCRUTINISINGEXTERNALORGANISATIONS

Scrutiny Committees can investigate specific matters of community interest. They do this in the same way that they investigate any other matter, and with the same powers and license to act as with other Scrutiny Committee investigations. These investigations may involve external organisations.

External organisations can be invited 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.

Scrutiny Committees can also scrutinise the effectiveness of partnership arrangements. This may be purely internally or involve the relevant external organisations.

Scrutiny exercises can be undertaken jointly with any of the Council's partner organisations. The same principles and terms of reference will apply. The suggestion for a joint Scrutiny may

be made by either a member of a Scrutiny Committee or by the partner organisation.

9. TAKING EVIDENCE

A crucial part of the Scrutiny process is to take evidence from the public, witnesses or experts. A Scrutiny Committee can carry out a review simply to find out the views of the community about a particular service or policy. However, in most instances taking evidence will be one of many stages of the Scrutiny process.

In taking evidence, Members must ensure that they have:
- Allocated enough time to question and hear the views of witnesses
- Given full consideration to which groups, representatives, individuals will be asked to attend a hearing.
- Considered the service user's perspective
- Considered how hard to reach groups could be encouraged to attend meetings
- The room layout for meetings with witnesses
- The venues for meetings with witnesses
- How to feedback the recommendations of the inquiry

10. CRIME AND DISORDER SCRUTINY

Council has agreed that the Governance, Performance, Business Change and Corporate Services Scrutiny Committee will undertake the role of the Council's Crime and Disorder Committee. The terms of reference of the committee are to scrutinise the work of the S.I.P Steering Group and the partners who comprise it, insofar as their activities relate to the partnership itself.

In accordance with Part 3 of the Police and Justice Act 2006, local authorities have the power to scrutinise the appropriate group / partnership and make reports and recommendations to the Local Authority and the Partnership.

There are also a range of bodies with whom the responsible authorities are required to co-operate, or to invite to participate in the work of the responsible group / partnership.

At a basic level, the role of the committee is to do the following: To

consider Councillor Calls for Action that arise through the council's agreed CCfA process.
To consider actions undertaken by the responsible authorities on the CSP.
Make reports or recommendations to the local authority with regard to those functions. In practice, the nature of the committee and its work should mean that recommendations will be directly for responsible partners as well.

Scrutiny can take a variety of different approaches to scrutinising community safety issues.

• Policy development - scrutiny committees may carry out in-depth scrutiny reviews focused on a specific topic relevant locally. Often this is done by means of a task and finish group, which will examine evidence from a wide variety of sources before producing a report and recommendations, to which partners and/or the council's executive will have to respond. These pieces of work arguably have the most impact on local policy making, and we will provide you with some examples of them below.

• Contribution to the development of strategies - if the CSP is putting together a strategy, plan, or policy, it may be useful to build in a process for scrutiny at draft stage. Councillors can provide valuable evidence to support the drafting process – especially intelligence from the local community.

• Holding to account at formal hearings - bringing in representatives of the partnership and questioning them about their roles, responsibilities, and activities. This is the simplest method for scrutiny to "hold the partnership to account", though this has limitations in terms of constructive outcomes and should be a small part of interaction between scrutiny and the partnership.

5. • Performance management - examination of the performance of the partnership, often using high-level scorecards or, where appropriate, more detailed data. The best scrutiny functions will use this as an opportunity to look at performance "by exception" (which will highlight both particularly good, and particularly poor, performance). This could involve the committee looking at particularly good performance, to see what lessons can be learned, thus sharing good practice across all public and third sector organisations operating in the local area.

11   COUNCILLORCALLFORACTION

Councillor Call for Action (CCfA) for crime and disorder matters came into force in October 2009.

Any councillor can refer a local crime and disorder matter to the Chief Executives Scrutiny Committee, whether they are members of the committee or not and to have it considered.

A local crime and disorder matter is a matter concerning crime and disorder or the misuse of drugs, alcohol and other substances affecting all or part of the electoral area for which the member is elected or any person who lives or works in that area. Scrutiny committees can then decide whether to use their powers to investigate the issue. If the committee decides not to consider any referred matter, they must provide an explanation to the councillor but if the matter is taken up, any report produced must be considered by the parent council or relevant community safety partner and they must spell out how they will respond and report back to the committee. (This is the so-called "councillor call for action" process).

There are a range of options available to committees in considering how to respond. They could, for example, instigate a review of policy, call members and officers to attend a meeting and answer questions or make recommendations to the executive. They can also require the executive to review a decision that it has made. Any report produced by the committees as a result of a CCfA

should be sent to the local authority, the community safety partners and the local councillor who raised the issue.

Councillors will of course continue to resolve issues informally, as they do now. But where they are not satisfied that real action has been taken to resolve the issue they have raised, they have the ability to ask the overview and scrutiny committee to take the matter further.

D)   Ground rules and ways of working

1   PRACTICES AT MEETINGS

a)   Committees will usually be open to the public to promote openness and accountability. Members will be sensitive to certain issues, and meetings will move into closed session to deal with:

1. Contract monitoring
2. Industrial relations
3. Commercial sensitivity
4. Personal sensitivity

b)   The aim of Scrutiny is to improve the delivery of policies and services. It is not the role of Scrutiny Committees to review the performance of an individual member of staff.

c)   Members will set the agenda for Scrutiny. Any Member of the Council may suggest ideas for Scrutiny. Members of the Scrutiny Committee will define areas that they think should be scrutinised and incorporate these into the work programme, after full debate within Committee.

d)   Any Member may be invited to be an expert witness at the Scrutiny Committee.

e)   Members may require Officers to present information to the Committee and attend meetings of the Scrutiny Committee.

f)   Scrutiny Committees determine the frequency they meet. (at least 9 times per year as per the Constitution)

g)   Final reports will present a full picture and seek properly to reflect the range of views within the Committee. Reports will include clear recommendations and suggested time-scales for implementation and review.

h)   Though Scrutiny should be rigorous, it is not intended to be inquisitorial or to seek to blame: rather it should enable

members (and officers) to be inquisitive and to seek to understand the causes of performance so as to be able to identify ways of improving.

2 GROUNDRULES

The following 'ground rules' apply to Scrutiny

INFORMAL STYLE & OPEN

INTERACTIVE AND PARTICIPATORY

CHALLENGING NO 'SHOOTING DOWN IN FLAMES'

EFFECTIVE LISTENING

WISE USE OF CONFIDENTIALITY

FLEXIBILITY

COMPETENCE IN SCRUTINY TO BE ACQUIRED AND DEMONSTRATED

NO PARTY POLITICAL SLANT

STICK TO THE STRATEGIC

PLAIN ENGLISH

USE THE PROTOCOLS, WAYS OF WORKING, DO'S AND DON'T AND GROUND RULES

UNDERSTAND THE REMIT AND BRIEF

CHOOSE WITNESSES CAREFULLY AND BE CLEAR ABOUT WHAT IS EXPECTED FROM THEM

AVOID RED HERRINGS

AVOID BIAS, AND BE AWARE WHERE IT IS SHOWN. BE CLEAR WHETHER 'EVIDENCE' IS BASED ON POLICY, PERCEPTION, INFORMATION OR JUDGEMENT

USE A VARIETY OF APPROACHES – TAKE WRITTEN EVIDENCE OR ORAL VIEWS, OR USE QUESTION AND ANSWER SESSIONS

MAINTAIN BALANCE

3   WAYSOFWORKING

In line with the new ways the Council intends to conduct its business, the Scrutiny Committees are encouraged to consider how they can be most effective, interesting and relevant to the people of Merthyr Tydfil County Borough. The committees should be flexible, creative, identify what works, and use it, rather than seeking any ideal approach.

a) Style of meetings
Meetings should be open and transparent. Informal ways of working are to be encouraged. Officers should be encouraged to be less formal and to present material in an open way. It should be recognised that the Scrutiny role may not be comfortable for Members or officers – support will be needed to ensure that they are able to question colleagues honestly and openly without provoking defensiveness or resistance.

b) Location of meetings
These will not necessarily take place in the Committee rooms in the Civic Centre. Other venues in the County Borough can be used. Sometimes the involvement of the public will oblige meetings to be held out of the Civic Centre. Scrutiny Committees represent a major opportunity to involve the public, who often perceive the Civic Centre to be remote and unwelcoming.

c) Conduct of meetings
The Scrutiny Committees and each commission should agree rules of conduct covering:

1. How people from outside bodies will be invited to participate
2. Procedures for speaking
3. The role of officers – answering questions or joining in debates?
4. Whether any meetings or part of meetings of the scrutiny committee will be closed to the public
5. How the input from users, staff and interest groups will be considered.

6. The extent to which submissions (written or oral) from the public will be invited.

d) Information

Consideration should be given to the type and quantity of information required, and whether written reports are always necessary. Presentations or question and answer sessions may be preferred. Where reports are needed, these should be short, clear and focused, and designed to enable information to be easily absorbed and to help debate and inquiry. While Members should be persistent in seeking information, it needs to be recognised that it may not always be available – and that there may be costs to its collection.

4 LINKSWITHOTHERS

The views and ideas of service users (and non-users), service providers and organisations and other agencies with an interest in the topic under review are all valuable in effective Scrutiny. Invitations to others to participate should be promoted. This participation may come in a variety of ways:

1. Through serving on a Committee as a co-opted Member
2. Through joint reviews
3. Attending a meeting
4. Providing oral or written evidence
5. Giving views – through questionnaires, telephone surveys.

Joint working may include partners taking Scrutiny reports back into their own organisations for debate and action.

Where money is provided to external bodies, the results of the work of these bodies and how effectively money has been spent may be included in Scrutiny processes.

It is essential to provide proper feedback to all those involved in a Scrutiny review. All those contributing will value being informed about the findings of a Scrutiny Committee and the results of any recommendations.

E) Scrutiny checklists – some do's and don'ts

Do…

../ Be persistent and inquisitive

../ Remember that Scrutiny is about learning and being a 'critical friend'; it should be a positive process

../ Remember that Scrutiny should result in improved value and enhanced performance

../ Take an overview and keep an eye on the wider picture

../ Take account of local needs, priorities and policies

../ Ask effective questions – be constructive not judgmental

../ Be open-minded and self aware – encourage openness and self criticism in services

../ Listen to users and the public, seek the voices that are often not heard, seek the views of others – and balance all of these

../ 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

../ Anticipate difficulties in Members challenging colleagues from their own party and officers challenging their colleagues

../ Take time to review your own performance

../ Check performance against local standards and targets and national standards, and compare results with other authorities

../ Benchmark performance against local and national performance indicators, using the results to ask more informed questions

- **../** Use commissions to get underneath performance information
- **../** Remember that Scrutiny is not opposition

Don't...

Get bogged down in the detail

Be frightened of asking basic questions

Undertake too many issues in insufficient depth

Underestimate the task

Lose track of the main purpose of Scrutiny

Lack sensitivity to other stakeholders

Succumb to organisational inertia

Witch-hunt or use performance review as punishment

Be party political/partisan

Blame valid risk taking or stifle initiative or creativity

Treat Scrutiny as an add-on

Start without a clear brief and remit

Duck facing failure – learn from it and support change and development

Be driven by data or be paralysed by analysis – keep a strategic overview, and expect officers to provide high-level information and analysis to help.

F)   Audit Commission - Sevenscrutinysuccessfactors

1.   Genuine Officer and Member Commitment, Involvement & Participation.
2.   Focusing on the right things.
3.   Organising what you do.
4.   The right level of support.
5.   Independent and Objective Perspectives.
6.   Learning & Development.
7.   Getting the right outcomes.

1) Genuine Officer and Member Commitment, Involvement & Participation

Ownership and commitment to making scrutiny work has to come from the top but it has to be genuine Ensure reviews are Member Led Reading Officer reports is no substitute for scrutiny members undertaking visits and seeing things for themselves Reviews are most successful when Members work together in a consensual and constructive way

2) Focusing on the right things

In choosing a topic, consider trends in performance, messages from Audit and inspection reports, public concerns, the Authority's whole analysis of risks, and focus on the topics that will have most impact and improvement for the Council.

When planning your Work Programme consult with all the Members of the committee, encourage the public to feed in their ideas, look at corporate priorities and forward plans. Choosing the right topic is of vital importance in smaller Authorities especially where there are few staff able to give officer support

If you are looking into a specific service area, take evidence first on strategy, then management, and finally on service delivery

3) Organising what you do.

Prepare thoroughly for meetings in order to ask the right probing questions

Plan ahead. Set a six - twelve month work programme and plan for the next meeting at every meeting. Get the right balance of short and longer reviews. Be realistic what you can achieve

Set the right mood for scrutiny
Set a clear remit and measurable outcomes

4) The right level of support.
Ensure dedicated and sufficient levels of scrutiny support. We found scrutiny difficult if not impossible without this support
Engender good working relationships with Executive Members and Directors responsible for the delivery of the service, and with partners and experts who have relevant perspectives and evidence to give
Ensure effective back office and information support – encourage Members to seek out information on the subjects The use of information technology has helped so much in keeping Members properly briefed and informed

5) Independent and Objective Perspectives.
Never compromise the independence and influence of Scrutiny – don't get too close or too distant, and always base your discussions on a variety of appropriate evidence
Choosing the right witnesses and questioning them effectively will open your review to much greater results
Ensure that you obtain a balanced view from all interested parties
Invite a few witnesses with topical, controversial opinions to introduce new ideas and generate debate
Don't be afraid to bring in expert help and opinion

6) Learning & Development.
Learn by looking at your own scrutiny committee. Ask another committee to assess your committee performance. This helped us to make instant improvements to scrutiny and the way we conducted ourselves, and the meetings
Prepare an ongoing member and Officer development programme for scrutiny – for all Members and Officers
Learn from good practice elsewhere – don't reinvent the wheel
Prepare a feedback form and get feedback from those you have invited to scrutiny and from the public that attend, so that you can find out what works and what more you need to do to make scrutiny more effective

7) Getting the right outcomes.

Include follow-up procedures in the project planning to monitor implementation of recommendations

Many issues do not have ideal solutions. Sometimes there have to be winners and losers. However scrutiny should not be seen to duck such issues

Ensure that the review is evidence based

Make final recommendations practical and realistic but don't shy away from proposing more radical options for improvement if relevant

Identify ownership of recommendations in order to ensure they are acted upon and remain focused

G)Givingevidence_toascrutinycommittee

Merthyr Tydfil County Borough Council

A practical guide to

Scrutiny

for Officers

WhatisScrutiny?

Cabinet and Scrutiny functions were created following the Local Government Act 2000. Scrutiny Committees carry out the scrutiny functions. Scrutiny committees consist of Councillors who are not members of the Cabinet and is the key role for 'backbench' Councillors at a local authority.

The Overview and Scrutiny function (often just referred to as "Scrutiny") is a process by which the Council looks at its own performance, and that of other public sector services, to check how well they are doing. It aims to improve the way in which services are delivered by looking for new ways of working, reviewing existing policies, or suggesting new ones and challenging overall performance.

Scrutiny Committees are not "decision-making" bodies, but "influencing" bodies.

WhataretheaimsofScrutiny?

> To help improve the Councils performance
> To help the Council deliver services which meet local needs by involving local people
> To ensure that decision making is clear, transparent and accountable.
> To engage service users and the wider community In decision making.

ScrutinyCommitteeworkbroadlyfallsintofivekeyareas:

> Policy Reviews: Scrutiny Committees or Task and Finish Groups set up by the Scrutiny Committee can carry out detailed, evidence based assessment of services or of issues that affect the lives of local people. During the course of reviews they will

> normally gather information, evidence and opinions from council officers, Cabinet Members, external bodies and organisations, expert witnesses and members of the public to help them understand the key issues relating to the topic. At the end of the review they will produce a report to Cabinet or Council with a number of recommendations based on the review /

investigation carried out.

One off Reviews: Committees may often want to carry out a one-off review of a topic or service and will ask Council Officers, Cabinet Members and/or external witnesses to come and speak to them about a particular issue/service before deciding what course of action, if any, is required.

Scrutiny of Decisions: A key function is to review the process followed and the reasons for each Cabinet and Cabinet Member decision. If the Scrutiny Committee feels that a decision taken by the Cabinet or a Cabinet Member has not been made correctly then they can 'call the decision in' after it has been made to prevent the decision taking immediate effect. They can question the decision maker and officers and make recommendations or suggestions for improvement.

Performance Review / Monitoring: Committees will monitor the performance of Cabinet members, services and projects by questioning appropriate Council officers and reviewing performance data.

Scrutiny of Council Documents: Committees can examine key council documents such as the budget, Corporate Strategy and Business Plan.

What Scrutiny Committees do we have at MTCBC?

The Scrutiny function at Merthyr Tydfil County Borough Council operates through five Scrutiny Committees each of which has its own remit to focus upon. The five Committees are shown on the following page.

In respect of membership, each Scrutiny Committee has 7 Councillors, together with two public co-opted members and one voluntary sector co-opted member nominated by Voluntary Action Merthyr Tydfil (VAMT).

In addition the Schools Scrutiny Committee (its remit covers Education) also appoints one Church in Wales diocese representative, one Roman Catholic representative and two Parent Governor co-opted representatives to the committee.

The five Scrutiny Committees each have at least 8 ordinary meetings in each year and in addition extraordinary meetings may be called

from time to time as and when appropriate. Scrutiny Committee meetings will normally be held in public and members of the public can be invited to speak and give evidence.

<div align="center">MTCBC Scrutiny Committees (x5)</div>

Learning and LAESCYP Scrutiny Committee	Social Services Scrutiny Committee	Neighbourhood Services & Public Protection Scrutiny Committee (including Crime & Disorder Committee)	Regeneration, Planning & Countryside Scrutiny Committee	Governance, Performance, Business Change & Corporate Services Scrutiny Committee
(Portfolio Member)	(Portfolio Member)	(Portfolio Member)	(Portfolio Member)	(Portfolio Member)
(Chief Officer Learning) Chief Education Officer Learning for Life Schools School Improvement & Inclusion	(Chief Officer Social Services) Director of Social Services Social Care for Children Young People & Adults Social Care Prevention & Early Intervention	(Chief Officer Neighbourhood Services) Highways & Engineering Bereavement Street Cleansing Parks & Grounds Maintenance Property & Estates Refuse & Waste	(Chief Officer Community Regeneration) Physical Regeneration Economic Development Tourism Employment & Employability European & Transnational Funding Communities First	– Business Change Team – Corporate Communications – IT (& Print) – Emergency Planning – Merthyr Local Service Board (Head of Finance) Section 151 Officer Accountancy & Insurance Procurement & Payments
(Prevention and Early Intervention) Early Years, Childcare & Play Young People Services Family Services (Prevention) Adult, Family & Community learning Communities First Employability	(Head of Adult Social Services) Adult Services Community Services	(Head of Public Protection & Housing) Trading Standards Public / Environmental Health Home to School / Subsidised Transport Registrars Community Safety	(Head of Public Protection & Housing) Housing & Housing Renewals Licensing Disabled Facility Grants	(Head of Legal & Governance) Monitoring Officer Legal Democratic & Scrutiny Services Electoral Services
(School Planning & Improvement) Education Resources Education Planning Education Support Services	(Head of Children Social Services and Safeguarding) Children Services Family Services (Social Care) Youth Offending Looked After Children Children with Disabilities Designated Lead Director for Children & Young People under the Children's Act in Wales (2004)		(Head of Planning & Countryside) Building Control Development Control Policy & Implementation Rights of Way	(Head of Corporate Services) Central Services Customer Contact Centre Revenues Benefits Audit Counter Fraud Planning, Performance, Equalities & Risk Partnerships Leisure & Cultural Development (Head of Human Resources & Organisational Development) Operational HR Health & Safety Occupational Health Workforce Development Payroll & Pensions
Corporate Director (People and Performance)			*Corporate Director (Place & Transformation)*	
Corporate Functions Performance Scrutiny Cultural Change Workforce Development	Service Functions Wellbeing & Poverty Learning Social Care Prevention & Early Intervention	Corporate Functions Transformation & Business Change Corporate Planning Communication, Reputation & Participation	Service Functions Regeneration Neighbourhood Services Regulatory Services Corporate Services	Service Functions

<u>WhatcanScrutinyleadto?</u>

If it's done effectively, Scrutiny can have the following outcomes:

> A Council which examines its own performance and reports to the public on how well it is meeting its commitments; Improved policies and services from the Council;
> Improved policies and services from other organisations;
> Public and other services that operate more effectively;
> More openness and accountability about the way decisions are made;
> A Council that holds to account those responsible for carrying out policies and delivering services

<u>Theworkofthescrutinycommittees.</u>
Each of the scrutiny committees has its own remit (as shown in the table above).

The Council has two directorates and each of the scrutiny committees looks at different areas of the council across the directorates. On an annual basis each committee will draw up a work programme, which is at the core of the Committees agenda. The work programme is flexible to allow for topics to be added as the year progresses and usually consists of:

- Monitoring performance of service areas within the committees remit.
- Monitoring the revenue and capital budgets of service areas under its remit.
- Considering and making recommendations on the councils budget proposals
- Undertaking Scrutiny reviews as agreed by the committee
- Establishing Task and Finish Groups to undertake time limited review work as and when required.
- Receiving information and briefing reports from Officers.
- Call-in. Each and every decision of the Cabinet can be subject to challenge. The process for this is known as "call-in". Further details are in the Council's Constitution.

<u>Whatismyrole?</u>
If Scrutiny is going to be effective and successful it is essential that it receives support from all officers across the Council. All Council Officers are required to provide information, advice and guidance to

Scrutiny when requested. Whilst the Scrutiny function has a small dedicated support team it will predominately rely upon the in-depth information regarding services which can only be provided by officers responsible for those services. If you work in a service area which is subject to scrutiny activity you may be asked to contribute in one or more of the following ways:

Providing background information - so that Councillors and other committee members have an understanding of the issues they are looking at you may be asked to provide them with a background briefing paper, this is likely to form part of a report which would be a public document. Examples of information frequently requested include budgetary information, performance trends and data, briefing reports, and details of how and why a service is delivered.

Submitting a report - often Scrutiny Committees will request a formal report and/or a presentation from officers, if that is requested you will be informed in advance of the need for the report/presentation, what the content should focus upon and any associated deadlines by the Scrutiny Officer. The Scrutiny Officer will liaise with you prior to the meeting to explain its purpose and answer any questions you may have.

Providing oral evidence - one of the main ways in which the Scrutiny function obtains evidence that they need to inform their reviews is through interviewing Council officers and others. You may be invited to attend a meeting to present information and to answer questions from members of a Committee, if you are required the Scrutiny Officer will inform you of the date, time and venue, and brief you on what is required and answer any questions that you may have.

In-depth Policy Reviews - scrutiny committees often investigate specific services or topics and you may be asked to attend meetings and provide background information, submit a report, and answer questions.

Your contacts for Scrutiny.

If you have any queries please contact the Scrutiny Section as follows:-

Howard Jones
Tel: (01685) 725464
Email: Howard.Jones@merthyr.gov.uk:

Merthyr Tydfil Borough Council

A practical guide to

Scrutiny

For Witnesses and Organisations attending scrutiny

This guide provides an introduction to the Overview and Scrutiny process at Merthyr Tydfil County Borough Council for individuals who have been asked to, or would like to, provide evidence to an Overview and Scrutiny Committee or Scrutiny Task and Finish Group.

WhatisOverviewandScrutiny?
Scrutiny is about Councillors working with Council departments, organisations outside of the Council and local people to improve policies and services.

'Scrutiny' is the process of holding decision makers to account, both within Merthyr Tydfil County Borough Council and in other organisations that deliver a service to local people. This includes reviewing the performance of the Council and other public bodies.

Scrutiny does not deal with individual concerns or complaints about Council services.

HowisScrutinycarriedout?
Scrutiny Committees meet regularly throughout the year and hear evidence about an issue that they are reviewing or scrutinising. There are five Committees (see back page for details of these scrutiny committees) that look at different areas of service delivery.

Scrutiny Committees may also create smaller Task and Finish Groups to carry out an in-depth review of a specific issue over several months. The Task and Finish Group will then present its findings to one of the Scrutiny Committees.

WhoattendsScrutinyCommitteemeetings?
Members of the public and media are welcome to attend. Membership of Scrutiny Committees is made up of elected Councillors with representatives from the community on each of the Committees.

A Scrutiny Officer and a Committee Clerk will be present to advise the Committee and take minutes.

Other Council officers or Councillors with an interest in the topic under review, as well as witnesses from a range of other organisations may be present.

What happens when I arrive at a meeting?
Most Committee meetings are held at the Civic Centre. You should sign in at Reception and you will be shown or directed to the meeting room.

If you are attending as a member of the public, you will be shown to the Public Gallery.

If you are attending as a witness, you will be shown where to sit by the Scrutiny Officer, who will also explain the format of the meeting. You will also be introduced to the Chair of the Committee before the meeting starts.

Providing evidence
If you are invited to attend a Scrutiny Committee or Task and Finish Group, you will be sent a written invitation explaining when the meeting is taking place, the venue and the information the Committee would like you to share with them.

Witnesses may be asked to provide written evidence before the meeting. The Scrutiny Section will advise you of the format of written evidence and any specific issues that the Committee would like you to address

Written evidence should introduce the person or organisation providing the evidence, answer any questions raised by the Committee, provide a summary of the key facts and issues, avoid jargon or abbreviations, be factually accurate and concise.

You may be asked to provide a short verbal presentation to the Committee. This should include a summary of the key points contained in your written evidence.

After you have presented your evidence, the Committee may then ask you some questions.

Questioning is informal and aims to encourage open debate about the issue being reviewed. You may also be asked to provide some additional information either in person or in writing after the meeting.

Minutes will be produced following the meeting, which will be made available publicly.

If you have any queries or concerns about providing evidence to the Committee, you should contact the Scrutiny Section.

Confidentiality
In some circumstances, evidence can be presented in private. You should contact the Scrutiny Section to discuss this further.

WhereCanIFindOutMore?
If you have any queries please contact the Scrutiny Section as follows:-

Howard Jones
Tel: (01685) 725464
Email:
Howard.Jones@merthyr.gov.uk:

Learning and LAESCYP Scrutiny Committee	Social Services Scrutiny Committee	Neighbourhood Services & Public Protection Scrutiny Committee (including Crime & Disorder Committee)	Regeneration, Planning & Countryside Scrutiny Committee	Governance, Performance, Business Change & Corporate Services Scrutiny Committee
(Portfolio Member)	(Portfolio Member)	(Portfolio Member)	(Portfolio Member)	(Portfolio Member)
(Chief Officer Learning) Chief Education Officer Learning for Life Schools School Improvement & Inclusion	(Chief Officer Social Services) Director of Social Services Social Care for Children Young People & Adults Social Care Prevention & Early Intervention	(Chief Officer Neighbourhood Services) Highways & Engineering Bereavement Street Cleansing Parks & Grounds Maintenance Property & Estates Refuse & Waste	(Chief Officer Community Regeneration) Physical Regeneration Economic Development Tourism Employment & Employability European & Transnational Funding Communities First	– Business Change Team – Corporate Communications – IT (& Print) – Emergency Planning – Merthyr Local Service Board
(Prevention and Early Intervention) Early Years, Childcare & Play Young People Services Family Services (Prevention) Adult, Family & Community learning Communities First Employability	(Head of Adult Social Services) Adult Services Community Services	(Head of Public Protection & Housing) Trading Standards Public / Environmental Health Home to School / Subsidised Transport Registrars Community Safety	(Head of Public Protection & Housing) Housing & Housing Renewals Licensing Disabled Facility Grants	(Head of Finance) Section 151 Officer Accountancy & Insurance Procurement & Payments
(School Planning & Improvement) Education Resources Education Planning Education Support Services	(Head of Children Social Services and Safeguarding) Children Services Family Services (Social Care) Youth Offending Looked After Children Children with Disabilities		(Head of Planning & Countryside) Building Control Development Control Policy & Implementation Rights of Way	(Head of Legal & Governance) Monitoring Officer Legal Democratic & Scrutiny Services Electoral Services
				(Head of Corporate Services) Central Services Customer Contact Centre Revenues Benefits Audit Counter Fraud Planning, Performance, Equalities & Risk Partnerships Leisure & Cultural Development
				(Head of Human Resources & Organisational Development) Operational HR Health & Safety Occupational Health Workforce Development Payroll & Pensions
Corporate Director (People and Performance)		Corporate Director (Place & Transformation)		
Corporate Functions Performance Scrutiny Cultural Change Workforce Development	Service Functions Wellbeing & Poverty Learning Social Care Prevention & Early Intervention Designated Lead Director for Children & Young People under the Children's Act in Wales (2004)	Corporate Functions Transformation & Business Change Corporate Planning Communication, Reputation & Participation	Service Functions Regeneration Neighbourhood Services Regulatory Services Corporate Services	Service Functions

Appendix I

Principles of good public scrutiny
(Adapted from CfPS, The Good Scrutiny Guide, KLM Press: London)

Provide 'critical friend' challenge to executives, external authorities and agencies	
Roles and relationships	Constructive, robust and purposeful challenge to prompt executive reflection on policy development and decision-making Mutual respect and 'parity of esteem' for the scrutiny function as a legitimate check on executive arrangements in exercising public accountability Partnership approach with 'external' agencies and authorities Focused and proactive policy development in collaboration with executive
Process and practice	Constructive working arrangements supported by clear rules of engagement Coordinated workload planning integrated into corporate processes Reporting and monitoring mechanisms to follow up recommendations made Non-aggressive physical environment and behaviours to create optimum conditions for investigative evidence-based process

Skills and support	Objective, questioning Inclusive, focused chairing Access to information and expert advice

Reflect the voice and concerns of the public and its communities	
Roles and relationships	Ensure ongoing dialogue with the public and its diverse communities where the voice of the public is heard and responded to Taking a community leadership role by focusing on issues of community concern Constructive relationships with press and media Careful management of public expectations of change
Process and practice	Open and transparent processes with public access to information Meetings conducted in public which invite public participations: 'active citizenship' Innovative public communication, consultation and feedback Create the conditions for plural views and concerns to be taken into account, particularly those of minority groups

Skills and support	Active listening and sympathetic questioning Adequate resourcing for public dialogue mechanisms Professional communications advice and support

Take the lead and own the scrutiny process of behalf of the public	
Roles and relationships	Independence from the executive legitimated by the legislature or council Champions of the value of scrutiny and active promotion of its status and credibility Active engagement in committee with the public and colleagues Constructive working partnership with professional officers and advisers in support of the 'lay' scrutineers
Process and practice	Arrangements in place to ensure active engagement of scrutineers in the process Ensure adequate public representation and, where appropriate, political balance Create conditions for deliberate consensus building Independent work programme informed by interests and concerns of scrutineers on behalf of the public
Skills and support	Deliberative skills and consensus-building Reflect on the process, learn from experience and innovate Acknowledge professional officer support for the 'lay' scrutineer Appropriate training and development

Make an impact on the delivery of public service	
Roles and relationships	Promote community well-being and improve the quality of life Strategic quality assurance of behalf of the public
Process and practice	Strategic scrutiny of corporate policies, plans and budgets Coordinated and strategic reviews of policy and service performance in line with strategic objectives Monitoring service performance against key indicators
Skills and support	Access to timely and accurate performance information Analysis and interpretation of performance data Resources and professional support for the collection and presentation of performance information Understanding of the distinction between strategic and operational performance review

Appendix II

Understanding your role.

UNDERSTANDINGYOURROLE

1. Policy review and development.

2. Holding decision-makers to account.

3. Performance Management and Best Value.

4. External scrutiny.

5. Engaging with the public and outside bodies.

1 POLICY REVIEW AND DEVELOPMENT The Office of the Deputy Prime Minister (ODPM) research in 2002 found that this was the most impressive aspect of overview and scrutiny and that traditional committees had rarely carried out this work. Policy development and review work can present a real opportunity to demonstrate the new and distinctive role of overview and scrutiny: both in relation to the issues being examined; and the way in which the committees are going about their work.

The key factors in successful policy review and development are set out below.

Selecting significant review topics where scrutiny can:-
add value
Crosscutting issues
Issues of public concern
Issues where there are statutory requirements not being

met
Issues with significant financial implications

Rigorousprojectplanning with careful scoping of:
Terms of reference
Key issues and objectives
Information required
Methods to be adopted
Resources required, including external expertise

Range of Investigative Methods ensuring that a range of experiences and views is represented:
The formal 'select committee' approach of witnesses
Focus groups
Public meetings
Site visits to meet Members of the public and see the service in situ.
Mystery shopping
Specific measures to obtain the views of people who have not traditionally become involved in council consultations, for example, young people, or people from black and minority ethnic groups.

Well presented final reports, which review the evidence, summarise the main points and make clear recommendations for service innovation and development, based on the evidence.

Follow up of recommendations to ensure that action is taken and the review leads to service improvement. This can be done through such means as follow-up surveys; or the requirement for the appropriate committee chair or senior officer to produce an action plan to implement the recommendations.

2 HOLDING DECISION-MAKERS TO ACCOUNT In Authorities the decision-makers could be, depending on the circumstances: full council, policy committees, committee

chairs, the leader of the council or senior officers. Activities that fall into the category of 'holding to account' are:

Examining minutes, agendas and any forward plans regularly, to ensure decisions have been properly taken and that the right kinds of issues are being discussed. (Examination of minutes and agendas can of course also be a way of identifying performance and review issues that need to be examined in more depth.)

Attending policy committee meetings, to observe proceedings and get a wider view of the issues on the agenda.

Calling policy or service committee chairs or other Members, or senior officers, as witnesses or to present progress reports, so that they can be questioned about policy and performance issues in their areas of responsibility.

Officer briefings, in order to ensure that the committees are kept up to date.

Regular meetings with the council leader and other senior Members, in order to discuss informally policy and performance issues.

Using call-in procedures: reasons for lack of use could be positive (issues are resolved without recourse to formal procedures through the acceptance of scrutiny recommendations); or negative (cumbersome procedures; or political reservations). However, call-in presents an opportunity to have important issues more widely debated and, if presented in this way, could be seen as less divisive and more constructive. The mechanism for call-in should be clear and simple, so that it can be easily used when necessary.

3 PERFORMANCE MANAGEMENT AND BEST VALUE - Best Value has been a particular responsibility of overview and scrutiny committees since the new structures were introduced and this has helped to emphasise overview and scrutiny's important role in driving up performance. Overview and scrutiny

committees are now playing a key role in the development and monitoring of Comprehensive Performance Assessments (CPA) action plans (These do not apply to Wales). However, scrutiny has a wider role in the independent monitoring and review of performance, complementing the role of policy committees. ODPM research, and evidence from CPA, suggests the following elements of good practice:

Building the scrutiny process into the Council's Performance Management Framework (PMF), so that it is seen as integral to performance management in the Authority, and not as an 'add on'. The PMF should set out what kind of reports should come before overview and scrutiny and at what frequency.

Focus on key targets at the strategic level: the Corporate Plan, departmental plans and improvement plans which relate to key corporate issues

Different approaches to scrutiny of budget issues, for example: examination of corporate priorities and non-priorities; examination of specific budget issues; scrutiny of budget papers; budget monitoring.

Focus on strategic issues in Best Value work rather than detailed involvement with individual Best Value Reviews. This includes reviewing:

4 EXTERNAL SCRUTINY - The ODPM research in 2002 found that councils were carrying out scrutiny of external organisations. However, this is a very distinctive and crucial role that only scrutiny committees can play. It could be developed further to enhance
the role of scrutiny in councils. The approach to reviews should be the same as for internal policy review and development, in terms of: choosing a significant topic; planning and managing the review; using a variety of investigative methods; involving the public and other partners; producing a robust and evidence based report and following up recommendations.

Community leadership: external scrutiny is important in responding to issues of public concern and demonstrating

community leadership.

Partnership working: external reviews can promote partnership working, for example by:
> Looking at cross-cutting issues
> Looking at how the council itself works in partnership with others
> Monitoring and evaluating the Community Strategy and Local Strategic Partnership.

Health scrutiny: this is a fairly new area and one that is the responsibility of County Councils in two tier systems. However, County Councils can delegate this function to one or more districts or can work with districts in other ways. (NB. Not a role of Welsh Local Authorities at present)

5 ENGAGING WITH THE PUBLIC AND OUTSIDE BODIES – The overview and scrutiny process is about openness, transparency and learning. Explaining the role of scrutiny to the public has been identified as an issue for some councils. It is essential, therefore, that overview and scrutiny committees engage with the outside world in a variety of ways:

Involving the public in a variety of ways, including: consultation on the work programme and selecting topics for investigation; consultation in reviews; public attendance at meetings, preferably with speaking rights (this needs inclusive but firm chairing); moving meetings out of the town hall to more accessible and appropriate community venues

Keeping the public and partners informed through: inviting Members of the public to join a scrutiny mailing list and circulating information and invitations to meetings by letter, e-mail and texting, particularly for younger people; scrutiny page on the council's web-site; leaflets; posters; council newspaper; using the media; presentations and newsletters for partner organisations. It is helpful to develop a communications plan so that there is a coherent approach.

Seeking feedback from the public for example through:

public feedback forms available at all meetings, to gather public views on layout, venue, conduct of the meeting; whether the meeting was welcoming, understandable and gave an opportunity for them to have a say.

Involving the media. The media can be a powerful means of promoting overview and scrutiny, if they can be persuaded to take a constructive interest in the work of the committee. Useful methods include: media conferences to launch reports; regular meetings between the chair and local editors; press/media releases before every meeting. It may also be possible on occasion to involve the media in reviews (for example, reviews of promotions and publicity), either as expert witnesses or through temporary co-option.

Learning from experts. Bringing in experts to advise on reviews of technical topics. This may require a budget, but not always. Where resources are tight, it is worth exploring free advice through professional organisations.

Learning from other authorities through: visits to other councils to learn from best practice; hosting visits from other councils; joining overview and scrutiny networks; making use of resources such as CfPS website, which has details of research, good practice and a database of scrutiny reviews.

Stage 3: Questions for the Committee to Ask of 'Witnesses' During the Meeting

Scrutinising Performance	Scrutinising Policy

Assessing Current Performance
 	
1 How does performance compare with previous years? - Why is it better / worse?
2 How does performance compare with neighbouring authorities / the rest of Wales / authorities in England? - Why is it better / worse / the same?
3 How does performance compare with the targets that have been set? - why is it better/worse?
4 Has the service been the subject of any recent external inspections - if so what were the findings?
5 How do service users/the public/partners view the performance of the service?
6 Is an improvement/decline in service performance linked to a decline/increase in resources available to the service?
7 How does the service contribute to the attainment of corporate objectives? - How is this contribution measured?
	1 Who does the policy affect:
	  a directly?
	  b indirectly?
	2 What do those affected think of the existing / proposed policy?
	3 Do the people the policy is designed to help think it is achieving/will achieve its desired outcome?
	4 What does the community as a whole think of the proposed policy – have you considered the 'taxpayer' perspective?
	5 What methods will you use to consult with stakeholders?
	6 Who will benefit most / least from the introduction of this policy?
	7 Who was consulted in the development of the policy?
	8 Did the consultation process enable all those with a stake to have their say?
	9 Have similar policies from other authorities been considered in developing / reviewing this policy? If so, how?
	10 How much will this policy cost to implement? Has funding for the policy been identified?
	11 Have all relevant equalities issues been taken into consideration in the development of this policy?

Target Setting 1 How were performance targets set? 2 Who was involved in developing the performance targets? 3 Are the targets challenging enough? 4 Are they too challenging/unrealistic?	

Capacity to Improve
 	
1 Does the service take part in benchmarking?
  - If not why not?
  - If so, what are the results of the benchmarking exercise / what improvements have been made as a result of benchmarking?
2 Does the service regularly search for good practice from other local authorities/organisations?
  - what improvements have been to the service have been made as a result?
3 How does the service intend to improve performance and by when?	

Stage 1: Questions for the committee to ask itself in advance of the meeting

(this would need to be several weeks before the meeting – probably at the end of the Committee's previous meeting)

1 Why has the item been placed on a scrutiny work programme – reasons, background and criteria for acceptance as a scrutiny item?
2 What is the specific role of the committee?
3 What outcome is the committee seeking from the consideration of this item?
4 What information does the committee need to fulfil this role/achieve this outcome?
5 Who should be invited to the meeting to provide the information?
6 Does the committee need to ask for written representations?
7 Which witnesses should be invited to answer questions on their own / along with other witnesses?
8 Which meeting format would be most appropriate for the item and for the witnesses that will be invited to attend?
9 What would be the most appropriate venue for the meeting?
10 How will the committee ensure that it has taken into account the views of the public with regard to this item?

Stage 2: Questions for the Committee to ask itself at the start of the meeting

(N.B. before the evidence gathering session begins)

1 What is the specific role of the committee in relation to the item due to be considered?
2 What outcome is the committee seeking to achieve through the consideration of this item?
3 What overall 'question' or 'questions' are we seeking to answer through considering this item – e.g. 'are performance levels acceptable?' or 'is the service improving at a satisfactory rate?'
4 Based on its previous discussion and any reports/written information received what information does the committee need to gather from the 'witness' or 'witnesses' to answer the overall 'question' or 'questions' it has set itself?
5 How will the committee approach the interviews? – this might include
   a agreeing the order in which the main questioning themes will be approached
   b agreeing which members will lead the questioning on which themes
   c agreeing which questions to ask which witness (if there is more than one witness)

Stage 4: Questions for the Committee to Ask itself at the end of the meeting

(once the evidence gathering session(s) has been completed)

1   Has the committee collected all the information needed to answer the questions?

2   Does the committee want to:

(i)   request further information to consider at a future meeting?

(ii)   establish a task & finish group to investigate the issue in more detail?

(iii)   request to speak to other witnesses – e.g. Executive Member, independent expert, members of the local community, service users, regulatory bodies?

(iv)   make recommendations to the executive / council/ other agencies?

(v)   request a further monitoring report for the next meeting/ or for a special meeting if the committee deems the item sufficiently urgent?

(vi)   set targets for improvement over a set timescale and if the targets are not met/accepted then make recommendations to the Executive?

(vii)   acknowledge the good practice/high performance identified and recommend how this might be shared with other service areas/departments?

(viii)   agree that performance is satisfactory and no further action is required at this stage?

Merthyr Tydfil
County Borough Council

Cyngor Bwrdeistref Sirol
Merthyr Tudful

Overview & Scrutiny Question
Planning Checklist

Merthyr Tydfil County Borough Council
Cyngor Bwrdeistref Sirol Merthyr Tudful

Telephone/Ffôn : **01685 725000**
Email/E-bost: **customer.care@merthyr.gov.uk**

Civic Centre, Castle Street, Merthyr Tydfil, CF47 8AN

Canolfan Dinesig, Stryd y Castell,
Merthyr Tudful, CF47 8AN

Contact us about scrutiny

Scrutiny Support
Tel: (01685) 725464
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