

Members' Scrutiny Handbook

The aim of this handbook is to provide Members with practical guidance to help them in their scrutiny role.

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This handbook is indebted to Surrey County Council for permission to use its member handbook as the basis for this publication.

What is overview and scrutiny?

The purpose of scrutiny is to ensure that decision-making in local government is efficient, transparent and accountable and that the best decisions are taken in the interests of the residents of Hertfordshire. Scrutiny has the power to look at any issue which “affects the area or the area’s inhabitants” and this gives it a unique legitimacy to examine those cross-cutting issues in a way that no other individual or organisation could.

Hertfordshire County Council operates an Executive/Cabinet and scrutiny system, based on the central government model. Scrutiny is independent and it holds the Executive to account by acting as a critical friend.

What are the aims of scrutiny?

The aims of scrutiny are:

- **Challenge** the Council’s performance so that we can improve and raise standards.
- **Undertake scrutiny** on matters of concern.
- **Make recommendations** for action and change.

Scrutiny meets these aims by carrying out independent and in-depth reviews of topics and services. These are carried out either as a full Committee or by a small group of Members in a time-limited topic group.

What are the benefits of scrutiny?

The benefits include:

- Gives non-Cabinet Members the opportunity to hold the executive to account.
- Provides non-Cabinet Members with an opportunity to examine the Council’s current services, review issues of member or public concern and drive improvements to the services the public receives from the Council
- Enables members to assess the performance of other providers
- Gives officers an external and independent view of their service, its strengths and weaknesses. It is a ‘critical friend’.

How does scrutiny work at Hertfordshire?

Structure

Every local authority is required to put in place arrangements for overview and scrutiny; however the detail is for individual authorities to decide. In Hertfordshire, scrutiny undertakes the majority of its investigations via topic groups.

Scrutiny in Hertfordshire:

The Committees are politically proportionate and meet roughly six times a year. The full remits for each Committee are included in this handbook as [appendix A](#). Scrutiny is outcome focused and concentrates on the impact for residents. This includes services provided by, or on behalf of the county council; or by external agencies e.g. commercial bus operators.

Overview & Scrutiny Committee (OSC)

As well as being responsible for scrutinising services provided or commissioned by the Authority, and external agencies it reviews the overall work programme ensuring that work is timely, adds value and does not duplicate activity already underway or undertaken by external regulators. The topic group scoping document ensures that the key questions that members want to address are listed.

Health Scrutiny (HSC)

Health Scrutiny has responsibility for scrutinising health services provided to Hertfordshire residents. It was established under different legislation to the Overview & Scrutiny Committee and has some different powers as a result. For example, the Health Scrutiny Committee can refer matters to the Secretary of State via Full Council.

How do Committees choose what to scrutinise?

Scrutiny is a member led process and topics are usually identified by members acting in their capacity as democratic representatives for the community. Additionally, suggestions can be made by officers, partner organisations or the public. Effective scrutiny requires a balanced work programme, which examines the most important challenges facing the county and responds to the concerns of residents.

It is important to remember that scrutiny is a member-led process and it is the responsibility of the chairmen and their committees to determine what is scrutinised and when.

[Appendix B](#) explains some of the key factors in determining whether an issue should be scrutinised.

Here are a few key points to remember when choosing subjects to scrutinise:

- It is not possible to scrutinise everything that might be suggested by other members, officers or the community. Therefore a rigorous approach is taken to choosing which topics are scrutinised.
- It is important that scrutiny remains independent of the Cabinet and does not just shadow its work.
- Increasingly, OSC is thinking about the work of commissioned organisations and the monitoring of other public bodies, and how its activities will engage partner organisations

- The Committees have to be realistic about what can effectively be scrutinised and needs to be prepared to say 'No' to some suggestions and be able to explain why they will not be scrutinised.
- It is also important to consider what the best method to deal with any given scrutiny topic is. The choice may depend on the nature of the activity and the capacity of members and Officers to conduct further Topic Groups within the suggested timeframe.

What methods are there to conducting scrutiny?

Effective scrutiny is creative. It uses a range of approaches depending on the issue being scrutinised. An important part of the work planning process is deciding on how a topic will be examined. Using the full range of methods open to it, scrutiny will be able to mix in-depth and searching inquiries with concise and effective reviews.

Here are some examples of different methods open to committees, some of which are discussed in more detail below:

- Whole committee scrutiny
- Topic groups
- Single issue meetings
- Calling witnesses or experts to provide specific information to members at committee
- Site visits / observations
- Seminars
- Bulletins

Whole Committee scrutiny

OSC and HSC, on occasion each undertake scrutiny as a whole committee. This generally concentrates on a single issue of particular importance to a large number of members.

Topic Groups

Topic groups involve a small number of members looking at an issue in great detail, usually over one day or occasionally two days. This process is more time-consuming for members and officers than other scrutiny activities. Consequently, issues for topic groups are carefully prioritised. In order to make sure that the review is as effective as possible, it is vital that the scope of the review is well-defined. For this reason each review starts with the completion of a scoping template which outlines the key questions, outcomes and constraints, time-scale, key sources of information and principal witnesses.

At its meeting(s), the topic group will hear from a range of witnesses and the lead officer. Depending on the topic this may include expert witnesses and stakeholders, service users, managers and the relevant executive member/s. Member questioning skills are a significant element of the scrutiny and the quality of the questions is instrumental to achieving clear outcomes and strong recommendations. A short report containing the recommendations and

the evidence to substantiate those recommendations is made publically available. The relevant executive member (or health body chief executive) is required to respond to the report and its recommendations within two months. Six months following the scrutiny the Impact of Scrutiny Sub Committee monitors the implementation of the recommendations. An outline of the work of a topic group can be found at [appendix C](#).

How do I 'call in' a decision?

The Local Government Act 2000 allows non-Cabinet members of the Council to ask that a key decision which has been taken by the Cabinet or a key decision made by officers, but not yet implemented, be reviewed.

Unless it meets exemption criteria, any key Cabinet or key officer decision can be called in within five working days of publication of a key decision made by the Cabinet or by an officer (Cabinet decisions will be published on the day of the Cabinet meeting immediately after the meeting has concluded. Key officer decisions are published every Friday). A key decision can be called in for scrutiny by three or more members from at least two political groups or five members specifying the reason or reasons for the proposed call in.

A meeting of OSC will be then be held within 10 working days. Implementation will be delayed while OSC meets and considers the decision. One of the members who submitted the call-in notice would be expected to address the committee and, for key decisions made by Cabinet, the relevant Cabinet Member will respond on behalf of the Executive. Having considered the decision, OSC can

- (a) determine that it has no objection to the called-in decision being implemented
- (b) determine that the called-in decision should be referred back to the Executive or officer (as the case may be) for re-consideration
- (c) determine that the called-in decision is one which is contrary to the policy framework or to the budget; in this instance the called-in decision will be referred to Full Council for consideration. Decisions referred for further consideration remain suspended until redetermined.

How are recommendations monitored?

Each Scrutiny Committee has an Impact of Scrutiny Sub Committee which meets quarterly to consider whether the recommendations of scrutinies undertaken or commissioned by its parent committee can be signed off. The lead officer and executive member will attend the Sub Committee to outline what actions have been taken and answer questions from the Sub Committee members. The chairman of the topic group is invited to attend for their input and views.

What support is available to me in my scrutiny role?

Support Officers

Each Committee is supported by a Scrutiny Officer and a Democratic Services Officer, the roles of which are outlined below. However, scrutiny officers work flexibly and will be happy to help you with any query you may have.

Scrutiny Officer

- Supports and advises the chairman and vice-chairman before, during and after committee meetings
- Supports and advises the topic group chairman before, during and after the scrutiny meeting
- Supports the chairman and vice chairman in developing and maintaining the committee's work programme.
- Provides briefings and updates the committee on local and national policy developments.
- Identifies possible questions for members in advance of meetings.
- Assists members by drafting the scoping document and scrutiny report

Democratic Services Officer

- Schedules all meetings of the committee or topic group, including the pre scrutiny meeting.
- Organises venues for meetings, ensuring that they are accessible to the public.
- Prepares and publishes the agenda and reports for the committee or topic group meeting
- Provides advice to members on the law and practice of meetings.
- Records the minutes of the meeting.

Lead Officer

- Assists in drafting the scoping document
- Identifies witnesses and arranges their invitation
- Organises site visits, if required
- Provides the background report to inform the scrutiny
- Briefs the chairman and other topic group members prior to the scrutiny

Bulletins and Seminars

Committees or topic groups are not the only options open to members. Where members want to learn more about a subject, usually to help decide whether scrutiny should take place, a lunch time seminar is held. This is open to all members. Recent themes have included flooding, the Better Care Fund (BCF) and Shared Anti-Fraud Services (SAFS). Another way of members learning more about a subject is a bulletin prepared by officers addressing questions that members have identified.

Training and Development

The County Council is committed to helping members develop the skills and knowledge to help them in their scrutiny roles. Every scrutiny member will receive an induction session for the committee/s to which he/she is appointed. The induction session provides an introduction to the principles of scrutiny and the work of the committee. Further training opportunities will be offered to members throughout the year in the form of site visits etc. Scrutiny officers are always happy to answer member queries and discuss issues or concerns on an individual basis.

What is the best way to make sure our recommendations are implemented?

A scrutiny will conclude by making recommendations to decision-making bodies, such as the Council's executive.

The following tips can help ensure that scrutiny recommendations are implemented:

- Recommendations that are short, achievable and few in number
- Recommendations exert most influence if they are based on logical argument drawing on evidence gathered over the course of a review.
- Ensure those responsible for implementing recommendations are aware of what the topic group is proposing and can suggest modifications to wording if that is going to make it more likely that the recommendation will be implemented.
- Recommendations will be written and presented clearly by the topic group as part of its final report. Cabinet via the appropriate executive member will provide a response to all recommendations explaining the reasons for accepting or not accepting any of the recommendations.
- Implementation of recommendations will then be monitored through the relevant Impact of Scrutiny Sub Committee.

Scrutiny Officer contact details

Head of Scrutiny
Scrutiny Officer

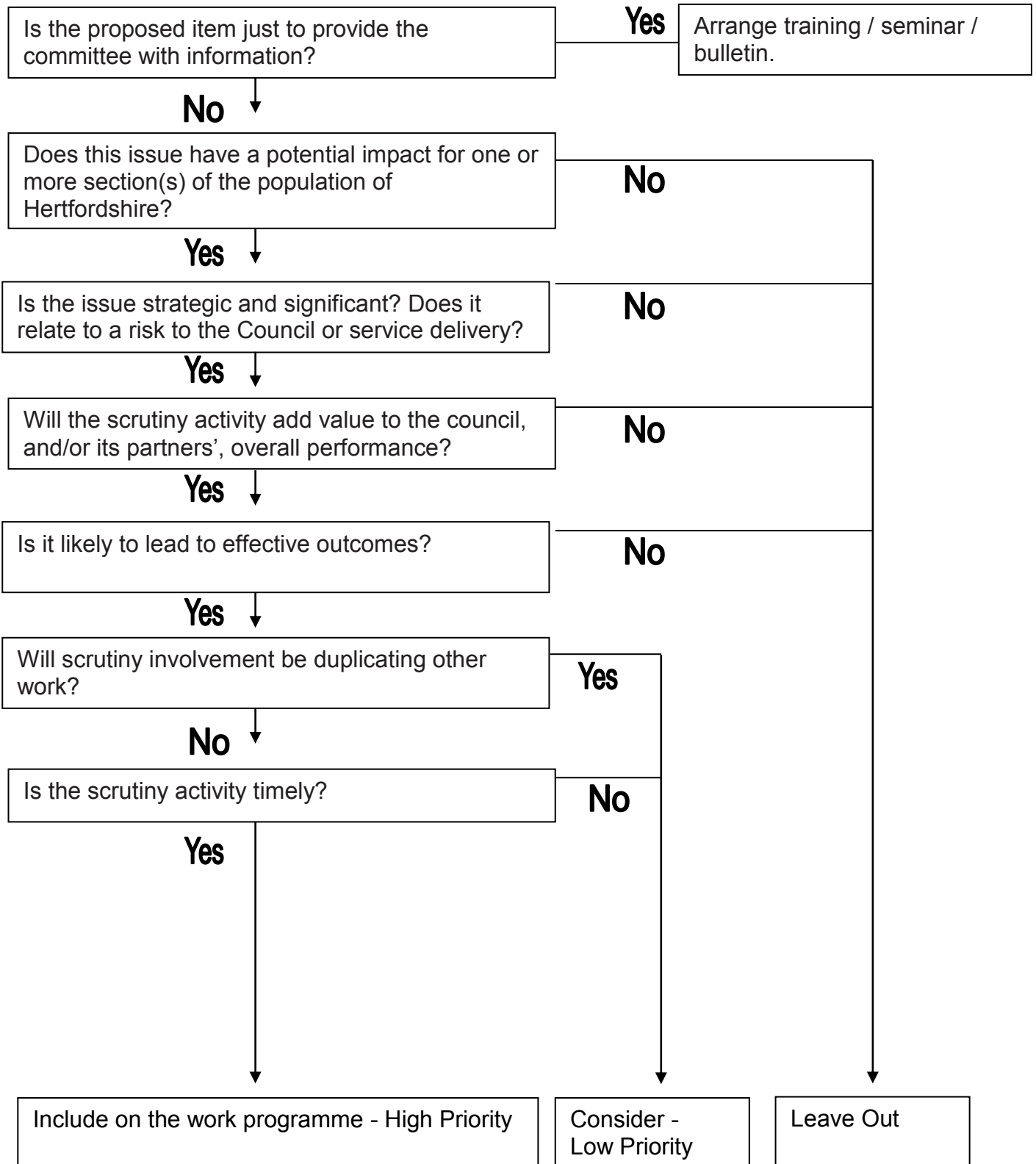
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Committee Remits

Name	Relevant Services
Overview & Scrutiny Committee (OSC)	<ul style="list-style-type: none"> ➤ Decisions made by, or on behalf of the County Council or Cabinet ➤ Any operational or policy aspect of the Council's business ➤ Any issues which affects the County and its residents which may be outside the Council's control
Health Scrutiny Committee (HSC)	<ul style="list-style-type: none"> ➤ Review and scrutiny of all health services affecting Hertfordshire's residents ➤ Public Health ➤ Health & Wellbeing Board ➤ Healthwatch Hertfordshire

Criteria for selecting scrutiny topics

Appendix B



Work of a Topic Group

1. All scrutiny meetings in Hertfordshire are 'meetings held in public' (not 'public meetings')
2. Topic groups in Hertfordshire normally run for one day
3. All topic groups work to a pre-prepared scoping document. The scoping document sets out what the topic group is going to do i.e. questions to be answered, any constraints on its work and who will be attending as witnesses. The scope will have been reviewed and agreed by the commissioning committee prior to issue.
4. There should normally be no more than 4 questions for the scrutiny to address
5. Constraints identify areas that will not be covered by the scrutiny and it is the responsibility of the chairman to ensure that the scrutiny does not digress into areas that are not covered by the scoping document.
6. It is vital to keep the scrutiny focused on the questions (see 4 above). Should members believe a constraint warrants further consideration the topic group report should draw this to the attention of the commissioning committee.
7. The scoping document is drafted by the service lead officer in consultation with the assigned scrutiny officer. The commissioning committee consider the scope and amend, if necessary, and agree the questions (see 3 above).
8. Witnesses can be internal and external to the County Council.
9. Topic group members are appointed by the commissioning committee. Membership can be drawn from the entire council; however, executive members and deputy executive members are excluded from undertaking scrutiny
10. Topic groups usually have 5 members with the exception of education related items where a schools representative may be included (i.e. parent governor representatives (PGRs) or diocesan representatives) when the topic group will have 7 members. Both scrutiny committees have waived political proportionality.
11. Each scrutiny has a designated chairman. The role of the chairman is to ensure that all the questions on the scope are covered. The chairman will ensure that all members are engaged and have the opportunity to raise questions. The chairman will encourage the discussion to move on if he or she believes a point has been addressed or is not relevant to this scrutiny.
12. A pre scrutiny briefing is held for the topic group members in advance of the meeting.
13. Topic group members are expected to have read all the papers in advance of the meeting.

14. Topic group members are expected to attend for the duration of the scrutiny.
15. The scrutinies run to the agenda programme and it is the responsibility of the chairman to ensure that the scrutiny keep to the agreed timetable.
16. At the end of the scrutiny the scrutiny officer summarises the conclusions and recommendations in order to obtain broad agreement as to what they should be.
17. A draft report concentrating on the evidence and recommendations is prepared by the scrutiny officer. The details of the discussion and papers received at the scrutiny are available via Hertfordshire.gov.uk
18. Reports follow a set structure of
 - Introduction
 - Recommendations
 - Evidence
 - Conclusions
 - Members & Witnesses
 - Appendix 1: Scoping Document
 - Appendix 2: Glossary
19. The draft report is produced within 10 working days of the meeting ending. The draft is sent to the lead officer for factual checking; then onto all topic group members for comment. Deadlines are set by the scrutiny officer for receipt of comments from the lead officer and topic group members.
20. The final report is published within 15 working days of the scrutiny.
21. The final report is sent to the executive member and chief officer and copied to all participants in the scrutiny and the commissioning committee chairman and vice chairman/men.
22. It is a statutory requirement that the executive member responds to the report and its recommendations within two calendar months. A template for the response is provided to the executive member and lead officer on publication of the final report.
23. The response is returned to the scrutiny officer and then circulated to members of the topic group and the chairman and vice chairman or chairmen of the commissioning committee for their information. It is also placed on the next commissioning committee's agenda so all members of the committee are informed of the response.
24. At the point at which the two month executive response form is returned, the lead officer and the chairman of the topic group are given a date, approximately six months after the scrutiny, to attend the relevant Impact of Scrutiny Sub Committee.

25. The executive member has responsibility for ensuring the template is completed for the relevant Impact of Scrutiny Sub Committee explaining what steps have been taken regarding each recommendation.
26. The Impact of Scrutiny Sub Committees have the responsibility for 'signing off' the recommendations as complete and/or agreeing further actions.
27. The lead officer and executive member attend the Impact of Scrutiny Sub Committee to explain what progress has been made in implementing the recommendations.
28. The chairman of the topic group will be invited to the Impact of Scrutiny Sub Committee.
29. The chairman of the Impact of Scrutiny Sub Committee will be invited to attend the next meeting of its parent committee to give comment on its findings

Glossary

DSO	Democratic Services Officer
HSC	Health Overview and Scrutiny Committee
OSC	Overview and Scrutiny Committee
SO	Scrutiny Officer
STP	Sustainability & Transformation Plan
Topic Group	A group of members scrutinising an issue