

## Ministry of Housing, Communities and Local Government

### Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities – May 2019

	Guidance – key points	Current arrangements in Medway
<p><b>1. Culture</b></p>	<p>Authorities can establish a strong organisational culture by:</p> <p><b>a) Recognising scrutiny’s legal and democratic legitimacy</b> – all members and officers should recognise and appreciate the importance and legitimacy the scrutiny function is afforded by the law.</p> <p><b>b) Identifying a clear role and focus</b> – authorities should take steps to ensure scrutiny has a clear role and focus within the organisation, i.e. a niche within which it can clearly demonstrate it adds value.</p> <p>Authorities should ensure a clear division of responsibilities between the scrutiny function and the audit function.</p> <p>While scrutiny has no role in the investigation or oversight of the authority’s whistleblowing arrangements, the findings of independent whistleblowing</p>	<p>This is clearly set out in Medway’s Constitution and is covered extensively in the Member induction programme. The role of scrutiny is also well understood amongst senior officers. All new Directors and Assistant Directors meet with Democratic Services within their first month with the Council to discuss governance including the Council’s Overview and Scrutiny arrangements.</p> <p>A clear challenge for local authorities is to ensure that Overview and Scrutiny arrangements provide an opportunity for engagement by back bench members in activity which generates revelatory findings and recommendations that make a real difference. In Medway the progress of Task Group recommendations agreed by the Cabinet are checked by Overview and Scrutiny after 6 months to ensure the intended impact is being achieved. There is, however, a less systematic approach to measuring the impact of Overview and Scrutiny activity more generally. In other words whether the activities of each Committee are making a real difference. <b>This is an area for further discussion by Medway Members.</b></p> <p>This division of responsibilities is clearly described in the terms of reference of Audit Committee and the Overview and Scrutiny Committees.</p> <p>Details of concerns raised under the whistleblowing policy are reported annually to the Audit Committee and Employment Matters Committee. These Committees could refer issues to O&amp;S but the number of concerns raised are relatively small (3 per year on average).</p>

	<p>investigations might be of interest to scrutiny committees as they consider their wider implications. Members should always follow the authority's constitution and associated Monitoring Officer directions on the matter</p> <p><b>c) Ensuring early and regular engagement between the executive and scrutiny</b> – Authorities should ensure early and regular discussion takes place between scrutiny and the executive, especially regarding the latter's future work programme. Authorities should, though, be mindful of their distinct roles:</p> <ul style="list-style-type: none"> <li>• The executive should not try to exercise control over the work of the scrutiny committee.</li> <li>• The chair of the scrutiny committee should determine the nature and extent of an executive member's participation in a scrutiny committee meeting, and in any informal scrutiny task group meeting.</li> </ul>	<p>Currently there is regular dialogue between the O and S Committee Chairmen and the Leader/Cabinet. Cabinet Members are each held to account by relevant O and S Committees annually. All O&amp;S Committees hold agenda planning meetings where Members, on a cross-party basis have the ability to select items from the Cabinet's Forward Plan for pre-decision scrutiny and to determine the O and S Work Programme for forthcoming meetings.</p> <p>In Medway O&amp;S Committees set their own work programmes and this is a principle enshrined in the Council's Constitution.</p> <p>This is the normal role of a Chairman in managing a meeting. Cabinet Members are each invited to attend O and S Committees to be held to account on an annual basis and at other times as determined by the Committees. Cabinet Members are also usually invited to give evidence to Overview and Scrutiny Task Groups.</p>
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	<p><b>d) Managing disagreement</b> – effective scrutiny involves looking at issues that can be politically contentious. It is therefore inevitable that, at times, an executive will disagree with the findings or recommendations of a scrutiny committee.</p> <p>It is the job of both the executive and scrutiny to work together to reduce the risk of this happening, and authorities should take steps to predict, identify and act on disagreement.</p> <p>One way in which this can be done is via an ‘executive-scrutiny protocol’ which can help define the relationship between the two and mitigate any differences of opinion before they manifest themselves in unhelpful and unproductive ways.</p> <p><b>e) Providing the necessary support</b> – while the level of resource allocated to scrutiny is for each authority to decide for itself, when determining resources an authority should consider the purpose of scrutiny as set out in legislation and the specific role and remit of the authority’s own scrutiny committee(s), and the scrutiny function as a whole.</p>	<p>Party politics and party groups are the basis of the system of UK local government and therefore there will always be differing (and sometimes polarised) points of view across the political spectrum on Council strategy, policy and budgetary priorities. Overview and Scrutiny Committee Members will engage in private party group meetings in their capacity as Councillors and may be either pre-disposed to support the direction of travel set by the Leader and Cabinet (if they are members of the majority group) or to support another point of view aligned to a particular party line if they are members of an Opposition Group. This is a reality in Overview and Scrutiny arrangements and entirely legitimate as long as it does not amount to pre-determination. In other words, as long as Members keep an open mind, examine the relevant evidence and take into account officer advice and the views of stakeholders on any issue.</p> <p>There is a record in Medway of the Cabinet accepting 100% of recommendations put forward by Overview and Scrutiny Task Groups. The views of our Overview and Scrutiny Committees are routinely presented to the Leader and Cabinet in relation to other items that have been the subject of pre-decision scrutiny or call-in and fully reflect the balance of views expressed across the political spectrum. The Cabinet will always consider these views.</p> <p>In common with other local authorities Medway is experiencing an unprecedented reduction in resources and capacity. However, political Leaders and senior officers continue to recognise the value of the scrutiny function and there has been no reduction in the size of the Democratic Services Team since 2011. New and creative approaches to scrutiny work continue to evolve in response to shrinking capacity elsewhere across the organisation. It is arguable that a more systematic approach to the selection of topics for in-depth scrutiny work, which was adopted a few years ago and the rigorous prioritisation of scrutiny work programmes is driving up the quality of outcomes from scrutiny activity.</p>
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	<p>Support should also be given by members and senior officers to scrutiny committees and their support staff to access information held by the authority and facilitate discussions with representatives of external bodies.</p> <p><b>f) Ensuring impartial advice from officers</b> – authorities, particularly senior officers, should ensure all officers are free to provide impartial advice to scrutiny committees. This is fundamental to effective scrutiny. Of particular importance is the role played by ‘statutory officers’ – the monitoring officer, the section 151 officer and the head of paid service, and where relevant the statutory scrutiny officer. These individuals have a particular role in ensuring that timely, relevant and high-quality advice is provided to scrutiny.</p> <p><b>g) Communicating scrutiny’s role and purpose to the wider authority</b> – the scrutiny function can often lack support and recognition within an authority because there is a lack of awareness among both members and officers about the specific role it plays, which individuals are involved and its relevance to the authority’s wider work. Authorities should, therefore, take steps to ensure all</p>	<p>There have not been any issues in Medway in terms of accessing information or holding discussions with external bodies. <b>More work is programmed to consider the relationship between Overview and Scrutiny Committees and the commercial entities established by the Council.</b></p> <p>It has always been the case that the Chief Executive and Senior Officers both advise the Leader and Cabinet and also support Overview and Scrutiny Committees in their deliberations, providing information and answering questions as required. There may be a range of options and a difference of political opinion about the way forward on a particular matter but Overview and Scrutiny Committee Members are able to request factual information and advice from officers and are often supported in key lines of enquiry which may culminate in a range of alternative points of view being presented to the Cabinet. All Member level reports, including reports to Overview and Scrutiny Committees, are produced in accordance with a corporate template which requires the inclusion of available options, policy, risk, legal and financial implications.</p> <p>For Medway members this issue is dealt with in the Member induction programme which offers a session on the law of meetings and the legislation relevant to Overview and Scrutiny, individual briefings for each Overview and Scrutiny Committee and an interactive Overview and Scrutiny skills development session. The role of scrutiny is also well understood amongst senior officers.</p>
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	<p>members and officers are made aware of the role the scrutiny committee plays in the organisation, its value and the outcomes it can deliver, the powers it has, its membership and, if appropriate, the identity of those providing officer support.</p> <p><b>h) Maintaining the interest of full Council in the work of the scrutiny committee –</b>  part of communicating scrutiny's role and purpose to the wider authority should happen through the formal, public role of full Council – particularly given that scrutiny will undertake valuable work to highlight challenging issues that an authority will be facing and subjects that will be a focus of full Council's work.</p> <p>Authorities should therefore take steps to ensure full Council is informed of the work the scrutiny committee is doing.</p> <p>One way in which this can be done is by reports and recommendations being submitted to full Council rather than solely to the executive. Scrutiny should decide when it would be appropriate to submit reports for wider debate in this way, taking into account the relevance of reports to full Council business, as well as full</p>	<p>Medway is leading the way on this as a regular report on activity across all of the O&amp;S Committees is considered at each Council meeting.</p> <p>Reports from Task Groups are submitted directly to the Leader and Cabinet which ensures a speedy response and action to implement any accepted recommendations.</p>
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<p>Council's capacity to consider and respond in a timely manner.</p> <p><b>i) Communicating scrutiny's role to the public</b> – authorities should ensure scrutiny has a profile in the wider community. Consideration should be given to how and when to engage the authority's communications officers, and any other relevant channels, to understand how to get that message across. This will usually require engagement early on in the work programming process.</p> <p><b>j) Ensuring scrutiny members are supported in having an independent mindset</b> – formal committee meetings provide a vital opportunity for scrutiny members to question the executive and officers.</p> <p>Inevitably, some committee members will come from the same political party as a member they are scrutinising and might well have a long-standing personal, or familial, relationship with them.</p> <p>Scrutiny members should bear in mind, however, that adopting an independent mind-set is fundamental to carrying out their work effectively. In practice, this is likely to require scrutiny chairs working proactively to</p>	<p>The Council's Communications Protocol (at paragraph 3.5) envisages a proactive role by the Communications Team in reporting and promoting the work of Overview and Scrutiny to the media although this facility is rarely used. <b>There may be an opportunity to harness new digital technology to generate more coverage of overview and scrutiny activity.</b></p> <p>The importance of scrutiny acting as a "critical friend" is dealt with as part of the Member Induction programme. As stated above party politics is a reality in Local Government and entirely legitimate as long as any pre-disposition based on political party affiliation does not amount to pre-determination. In other words, as long as Members keep an open mind, examine the relevant evidence and take into account officer advice and the views of stakeholders on any issue. This is an established principle in Medway.</p> <p>All Members receive training and advice on how to deal with conflicts of interest arising from close family relationships or friendships.</p>
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	<p>identify any potentially contentious issues and plan how to manage them.</p>	
<p><b>2. Resourcing</b></p>	<p>When deciding on the level of resource to allocate to the scrutiny function, the factors an authority should consider include:</p> <ul style="list-style-type: none"> <li>• Scrutiny’s legal powers and responsibilities;</li> <li>• The particular role and remit scrutiny will play in the authority;</li> <li>• The training requirements of scrutiny members and support officers, particularly the support needed to ask effective questions of the executive and other key partners, and make effective recommendations;</li> <li>• The need for ad hoc external support where expertise does not exist in the council;</li> <li>• Effectively-resourced scrutiny has been shown to add value to the work of authorities, improving their ability to meet the needs of local people; and</li> <li>• Effectively-resourced scrutiny can help policy formulation and so minimise the need for call-in of executive decisions.</li> </ul>	<p>Administrative support for Overview and Scrutiny Committees is provided from within the Democratic Services Team by Democratic Services Officers on generic job descriptions. All these officers are talented people who have political and policy development skills as well as an in-depth knowledge of the law of meetings and the constitution. For every in-depth scrutiny review a lead officer from the relevant Council Department is also assigned to work alongside the Democratic Services Officer to support Members.</p> <p>Training on effective challenge and questioning techniques is offered to all Councillors involved in Overview and Scrutiny.</p> <p>See above for commentary on access by Members to factual and impartial officer advice.</p>

	<p>Authorities should ensure that, whatever model they employ, officers tasked with providing scrutiny support are able to provide impartial advice. This might require consideration of the need to build safeguards into the way that support is provided. The nature of these safeguards will differ according to the specific role scrutiny plays in the organisation.</p>	
<p><b>3. Selecting Committee Members</b></p>	<p>An authority must consider when forming a committee that, as a group, it possesses the requisite expertise, commitment and ability to act impartially to fulfil its functions.</p> <p>Authorities should take care to ensure that, as a minimum, members holding less formal executive positions, e.g. as Cabinet assistants, do not sit on scrutinising committees looking at portfolios to which those roles relate. Authorities should articulate in their constitutions how conflicts of interest, including familial links, between executive and scrutiny responsibilities should be managed, including where members stand down from the executive and move to a scrutiny role, and vice-versa.</p> <p><i>Selecting individual committee members</i></p>	<p>In Medway once the allocation of Committee seats to party groups has been approved by full Council, appointment of members to Committees is agreed in accordance with the wishes of each group as required by the Local Government and Housing Act 1989 and associated regulations. Each Group has its own process for deciding how to match Councillors to Committees. It is understood that regard is given to the particular interests and experience of each Councillor.</p> <p>Not applicable in Medway.</p> <p>The Member Code of Conduct includes provisions on how conflicts of interest should be managed by elected Members.</p>



	<p>Given their pre-eminent role on the scrutiny committee, it is strongly recommended that the Chair not preside over scrutiny of their relatives.</p> <p>The method for selecting a Chair is for each authority to decide for itself, however every authority should consider taking a vote by secret ballot.</p> <p><i>Training for Committee Members</i></p> <p>Authorities should ensure committee members are offered induction when they take up their role and ongoing training so they can carry out their responsibilities effectively. Authorities</p>	<p>This is an unlikely scenario but would be covered by the Code of Conduct.</p> <p><b>This is a matter for Members to debate.</b> Whilst a secret ballot could be introduced the law requires the appointment of a Chairman and Vice Chairman to be decided by a majority of the Committee present and voting thereon at the relevant meeting. Currently the four Overview and Scrutiny Committees in Medway are chaired by Members of the majority group. The majority group also hold the Vice Chairman positions. The Medway Labour Group has consistently argued that one or more of the Overview and Scrutiny Committees should be chaired by an Opposition Member. Whilst the positions are held by the majority group in Medway the designated Opposition Spokespersons on Medway's four Overview and Scrutiny Committees are routinely invited to the agenda planning meetings ahead of each Committee meeting and are able to influence the Overview and Scrutiny work programmes and to shape the key lines of enquiry on particular issues which works well. Opposition members often identify important issues for scrutiny and have full involvement in the selection of topics for in-depth reviews. The Council recognises the important role played by opposition Members in Overview and Scrutiny by granting a Special Responsibility Allowance to the designated spokespersons of the largest opposition group.</p> <p>There is a comprehensive induction programme, including an introduction to scrutiny, the responsibilities of each O&amp;S committee and skills for effective scrutiny.</p> <p>An external provider usually delivers the session on scrutiny skills.</p>
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	<p>should pay attention to the need to ensure committee members are aware of their legal powers, and how to prepare for and ask relevant questions at scrutiny sessions.</p> <p>When deciding on training requirements for committee members, authorities should consider taking advantage of opportunities offered by external providers in the sector.</p> <p><i>Co-option and technical advice</i></p> <p>While members and their support officers will often have significant local insight and an understanding of local people and their needs, the provision of outside expertise can be invaluable.</p> <p>There are two principal ways to procure this:</p> <ul style="list-style-type: none"> <li>• Co-option – formal co-option is provided for in legislation. Authorities must establish a co-option scheme to determine how individuals will be co-opted onto committees; and</li> </ul>	<p>Medway's Overview and Scrutiny arrangements include a number of Committee places for non-voting co-opted Members (in addition to the places for statutory church and parent governor representatives on the Children and Young People Overview and Scrutiny Committee).</p>
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	<ul style="list-style-type: none"> <li>• Technical advisers – depending on the subject matter, independent local experts might exist who can provide advice and assistance in evaluating evidence.</li> </ul>	<p>Medway has occasionally commissioned advice from external experts to support the in depth review of particular issues by Overview and Scrutiny, most recently in support of the Stroke Services Review. Other examples include:</p> <ul style="list-style-type: none"> <li>• expert opinions provided by the Health Protection Agency and EM Radiation Trust to inform the work of the Health and Adult Social Care Overview and Scrutiny Committee when reviewing the health implications of mobile telecommunications base stations.</li> <li>• independent advice from James Fitton of Mental Health Strategies when Medway’s Overview and Scrutiny Members were contesting the basis for a major reconfiguration of acute mental health inpatient beds across Kent and Medway.</li> </ul> <p>Expert opinions have assisted Overview and Scrutiny Committees to reach an informed and well- argued position on the issues of concern. However, in the current financial climate the commissioning of expert advice where there is an associated cost cannot be undertaken lightly.</p> <p><b>More work could be done to draw on independent local experts Eg Universities.</b></p>
<p><b>4. Power to Access Information</b></p>	<p>When considering what information scrutiny needs in order to carry out its work, scrutiny members and the executive should consider scrutiny’s role and the legal rights that committees and their individual members have, as well as their need to receive timely and accurate information to carry out their duties effectively.</p> <p>Scrutiny members should have access to a regularly available source</p>	<p>Information about council plan performance, budget monitoring and risk is reported to scrutiny on a regular basis.</p>

	<p>of key information about the management of the authority – particularly on performance, management and risk. Where this information exists, and scrutiny members are given support to understand it, the potential for what officers might consider unfocused and unproductive requests is reduced as members will be able to frame their requests from a more informed position.</p> <p>Officers should speak to scrutiny members to ensure they understand the reasons why information is needed, thereby making the authority better able to provide information that is relevant and timely, as well as ensuring that the authority complies with legal requirements.</p> <p>While each request for information should be judged on its individual merits, authorities should adopt a default position of sharing the information they hold, on request, with scrutiny committee members.</p> <p>The law recognises that there might be instances where it is legitimate for an authority to withhold information and places a requirement on the executive to provide the scrutiny committee with a written statement</p>	<p>This dialogue most commonly occurs at O&amp;S Committee agenda planning meetings.</p> <p>This is the default position in Medway. All Members of the Council receive the agendas for Cabinet meetings in full and budget and performance monitoring information is regularly provided to Overview and Scrutiny Committees. There is a culture of doing as much business as possible in open session. Provisions enabling the Cabinet and other Committees to go into closed session (thereby excluding the press and public) are used sparingly, as are the provisions for executive decisions to be taken urgently. The recent launch of business intelligence ward profiles in Medway has provided another layer of information which will be of significant value in scrutiny reviews.</p>
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	<p>setting out its reasons for that decision<sup>13</sup>. However, members of the executive and senior officers should take particular care to avoid refusing requests, or limiting the information they provide, for reasons of party political or reputational expediency.</p> <p>Before an authority takes a decision not to share information it holds, it should give serious consideration to whether that information could be shared in closed session</p> <p>Committees should be aware of their legal power to require members of the executive and officers to attend before them to answer questions. It is the duty of members and officers to comply with such requests.</p> <p><i>Seeking information from external organisations</i></p> <p>Scrutiny members should also consider the need to supplement any authority-held information they receive with information and intelligence that might be available from other sources, and should note in particular their statutory powers to access information from certain external organisations.</p>	<p>This would always be an option. Scrutiny is entitled to see certain types of exempt information in any event.</p> <p>This is explained as part of the Council's Member Induction programme.</p> <p>As part of the Medway Member Induction programme the wider anatomy of public sector accountability is explained to Overview and Scrutiny Members who are actively encouraged to draw on intelligence and information available from other sources such as the Local Government Association, Care Quality Commission, OFSTED, the Local Government and Housing Ombudsman and the Centre for Public Scrutiny. The powers available to Overview and Scrutiny Committees to require information and attendance by witnesses at meetings is fairly limited. However our experience has been positive. Invitations to a range of organisations to attend our Committee meetings or participate in Task Group evidence sessions over a number of years have invariably been accepted and constructive input has generally been provided. Most recently the Regional Schools Commissioner has</p>
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	<p>When asking an external organisation to provide documentation or appear before it, and where that organisation is not legally obliged to do either, scrutiny committees should consider the following:</p> <p>a) <b>The need to explain the purpose of scrutiny</b> – the organisation being approached might have little or no awareness of the committee’s work, or of an authority’s scrutiny function more generally, and so might be reluctant to comply with any request;</p> <p>b) <b>The benefits of an informal approach</b> – individuals from external organisations can have fixed perceptions of what an evidence session entails and may be unwilling to subject themselves to detailed public scrutiny if they believe it could reflect badly on them or their employer. Making an informal approach can help reassure an organisation of the aims of the committee, the type of information being sought and the manner in which the evidence session would be conducted</p>	<p>willingly attended the Children and Young People Overview and Scrutiny Committee to answer questions about performance in schools which have academy status. This is likely to be an ongoing dialogue subject to the capacity of the Regional Schools Commissioner to attend or be represented</p> <p>The steps outlined in (a) to (d) of the statutory guidance are routinely followed in Medway.</p>
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	<p>c) <b>How to encourage compliance with the request</b> – scrutiny committees will want to frame their approach on a case by case basis. For contentious issues, committees might want to emphasise the opportunity their request gives the organisation to ‘set the record straight’ in a public setting; and</p> <p>d) <b>Who to approach</b> – a committee might instinctively want to ask the Chief Executive or Managing Director of an organisation to appear at an evidence session, however it could be more beneficial to engage front-line staff when seeking operational-level detail rather than senior executives who might only be able to talk in more general terms. When making a request to a specific individual, the committee should consider the type of information it is seeking, the nature of the organisation and the authority’s pre-existing relationship with it.</p> <p><i>Following ‘the Council Pound’</i></p>	<p>Any invitation to a front line staff member would usually be agreed with the relevant senior manager of an external organisation in the first instance</p>
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	<p>Scrutiny committees will often have a keen interest in 'following the council pound', i.e. scrutinising organisations that receive public funding to deliver goods and services. Authorities should recognise the legitimacy of this interest and, where relevant, consider the need to provide assistance to scrutiny members and their support staff to obtain information from organisations the council has contracted to deliver services. In particular, when agreeing contracts with these bodies, authorities should consider whether it would be appropriate to include a <i>requirement</i> for them to supply information to or appear before scrutiny committees.</p>	<p><b>In Medway there is an emerging work stream to define and develop the relationship between Overview and Scrutiny Committees and organisations contracted or commissioned by the Council to provide goods and services. In particular there is more work to do on the role of overview and scrutiny to review the performance of our commercial entities. The Centre for Public Scrutiny has recently published a guide for local scrutiny Councillors on scrutiny of risk and commercialisation. This guide could be used to take this area of discussion forward.</b></p>
<p><b>5. Planning Work</b></p>	<p>Effective scrutiny should have a defined impact on the ground, with the committee making recommendations that will make a tangible difference to the work of the authority. To have this kind of impact, scrutiny committees need to plan their work programme, i.e. draw up a long-term agenda and consider making it flexible enough to accommodate any urgent, short-term issues that might arise during the year.</p> <p>Authorities with multiple scrutiny committees sometimes have a</p>	<p>The four Overview and Scrutiny Committees in Medway are each responsible for their own work programmes with the Business Support Overview and Scrutiny Committee having a role to provide guidance and leadership on the development of the scrutiny function for all the Committees, including guidance on priorities for scrutiny activity.</p> <p>Overview and Scrutiny Committee work programmes are organic rather than fixed on an annual basis. There is a member level agenda planning meeting for each Committee meeting so that the Chairman, Vice Chairman and opposition Spokesperson can identify key issues of concern and shape the priorities for scrutiny activity. Often items for work programmes will originate from officers but many are suggested by Members.</p> <p>In depth scrutiny reviews are undertaken by small cross-party Task Groups of five Councillors, often on cross-cutting issues. Medway has moved from a model of multiple Task Groups running at any one time to a more systematic process for</p>

	<p>separate work programme for each committee. Where this happens, consideration should be given to how to co-ordinate the various committees' work to make best use of the total resources available.</p> <p><i>Being clear about scrutiny's role</i></p> <p>Scrutiny works best when it has a clear role and function. This provides focus and direction. While scrutiny has the power to look at anything which affects 'the area, or the area's inhabitants', authorities will often find it difficult to support a scrutiny function that carries out generalised oversight across the wide range of issues experienced by local people, particularly in the context of partnership working. Prioritisation is necessary, which means that there might be things that, despite being important, scrutiny will not be able to look at.</p> <p>Applying this focus does not mean that certain subjects are 'off limits'. It is more about looking at topics and deciding whether their relative importance justifies the positive impact scrutiny's further involvement could bring.</p> <p>When thinking about scrutiny's focus, members should be supported by key</p>	<p>selecting review topics with clear criteria based approach and a limit of up to three Task Groups a year running successively. The quality and depth of reviews has improved as a consequence of this shift.</p> <p>New and creative approaches to scrutiny work continue to evolve in response to shrinking capacity elsewhere across the organisation. It is arguable that a more systematic approach to the selection of topics for in-depth scrutiny work and the rigorous prioritisation of scrutiny work programmes is driving up the quality of outcomes from scrutiny activity.</p> <p>Examples of new ways of working have included a shift to round table evidence sessions by Task Groups bringing together key stakeholders and expert witnesses instead of a longer series of one to one interviews to gather evidence. This has been instrumental in galvanising discussion and the identification of gaps between organisations. We have also used themed meetings and recently hosted a one off large stakeholder event to gather evidence for a Task Group looking at street clutter which meant the whole review was completed in a much shorter timescale and more Overview and Scrutiny members could be involved.</p>
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<p>senior officers. The statutory scrutiny officer, if an authority has one, will need to take a leading role in supporting members to clarify the role and function of scrutiny, and championing that role once agreed.</p> <p><i>Who to speak to</i></p> <p>The public- Authorities should consider how their communications officers can help scrutiny engage with the public, and how wider internal expertise and local knowledge from both members and officers might make a contribution.</p> <p>Partners - relationships with other partners should not be limited to evidence-gathering to support individual reviews or agenda items. A range of partners are likely to have insights that will prove useful.</p> <p>The Executive - a principal partner in discussions on the work programme should be the executive (and senior officers). The executive should not direct scrutiny's work but conversations will help scrutiny members better understand how their work can be designed to align with the best opportunities to influence the authority's wider work.</p> <p><i>Information sources</i></p>	<p>Medway has a tradition of routinely involving and listening to service users and key stakeholder groups in Overview and Scrutiny Committee activity principally through the creation of non-voting seats on Committees for particular groups as set out above and also by inviting particular groups and individuals to attend meetings to share their experiences across a range of issues as appropriate.</p> <p>Whilst generally there is a low level of interest by the general public in the activities of Overview and Scrutiny Committees we have had high levels of interest and engagement in Overview and Scrutiny by the public and interested stakeholders on single issues. For example, when a controversial Cabinet decision is called in to Overview and Scrutiny or where the subject of a petition is reviewed by Overview and Scrutiny.</p> <p>Overview and Scrutiny Members are uniquely placed to invite the public and interested stakeholders to share their experiences and views when a particular issue is the subject of in-depth review by a Task Group or a Committee. Themed meetings, round table evidence sessions, one-off stakeholder events and focus groups with more vulnerable groups such as young carers have been used in Medway to capture the views of the public.</p> <p>The Council has been recognised as an expert practitioner in the handling of petitions which we regard as an important mechanism for local people to voice their concerns to the Council. There is a provision for petitioners to refer a petition to the relevant Overview and Scrutiny Committee if they are dissatisfied with the initial officer response and to attend and make representations to the Committee. On several occasions this has resulted in action to address the concerns raised by petitioners.</p>
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	<p>Scrutiny will need access to relevant information to inform its work programme. The type of information will depend on the specific role and function scrutiny plays within the authority, but might include:</p> <ul style="list-style-type: none"> <li>• Performance information from across the authority and its partners;</li> <li>• Finance and risk information from across the authority and its partners;</li> <li>• Corporate complaints information, and aggregated information from political groups about the subject matter of members' surgeries;</li> <li>• Business cases and options appraisals (and other planning information) for forthcoming major decisions. This information will be of particular use for pre-decision scrutiny; and</li> <li>• Reports and recommendations issued by relevant ombudsmen, especially the Local Government and Social Care Ombudsman.</li> </ul> <p>As committees can meet in closed session, commercial confidentiality</p>	<p>Clearly Overview and Scrutiny is only one mechanism for local authorities to engage with the public and at any one time engagement events commissioned by the Leader and Cabinet may be running across a range of service areas. Overview and Scrutiny should complement rather than duplicate these activities.</p> <p><b>There is the potential for Overview and Scrutiny develop a closer working relationship with the Council's Communications Team and to consider the scope to improve the connection between Overview and Scrutiny and the public. For example by more use of the Citizen's Panel.</b></p>
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	<p>should not preclude the sharing of information. Authorities should note, however, that the default for meetings should be that they are held in public.</p> <p>Scrutiny members should consider keeping this information under regular review. It is likely to be easier to do this outside committee, rather than bringing such information to committee 'to note', or to provide an update, as a matter of course.</p> <p><i>Shortlisting topics</i></p> <p>Approaches to shortlisting topics should reflect scrutiny's overall role in the authority. This will require the development of bespoke, local solutions, however when considering whether an item should be included in the work programme, the kind of questions a scrutiny committee should consider might include:</p> <ul style="list-style-type: none"><li>• Do we understand the benefits scrutiny would bring to this issue?</li><li>• How could we best carry out work on this subject?</li><li>• What would be the best outcome of this work?</li><li>• How would this work engage with the activity of the</li></ul>	<p>Already in use in Medway.</p>
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	<p>executive and other decision-makers, including partners?</p> <p>Some authorities use scoring systems to evaluate and rank work programme proposals. If these are used to provoke discussion and debate, based on evidence, about what priorities should be, they can be a useful tool. Others take a looser approach. Whichever method is adopted, a committee should be able to justify how and why a decision has been taken to include certain issues and not others.</p> <p>Scrutiny members should accept that shortlisting can be difficult; scrutiny committees have finite resources and deciding how these are best allocated is tough. They should understand that, if work programming is robust and effective, there might well be issues that they want to look at that nonetheless are not selected.</p> <p><i>Carrying out work</i></p> <p>Selected topics can be scrutinised in several ways, including:</p> <ul style="list-style-type: none"><li>a) <b>As a single item on a committee agenda</b></li><li>b) <b>At a single meeting</b></li><li>c) <b>At a task and finish review of two or three meetings</b></li></ul>	
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	<p>d) <b>Via a longer-term task and finish review</b></p> <p>e) <b>By establishing a ‘standing panel’</b></p>	
<p><b>6. Evidence Sessions</b></p>	<p>Good preparation is a vital part of conducting effective evidence sessions. Members should have a clear idea of what the committee hopes to get out of each session and appreciate that success will depend on their ability to work together on the day</p> <p><i>How to plan</i></p> <p>Chairs play a vital role in leading discussions on objective-setting and ensuring all members are aware of the specific role each will play during the evidence session.</p> <p>After an evidence session, the committee might wish to hold a short ‘wash-up’ meeting to review whether their objectives were met and lessons could be learned for future sessions.</p> <p><i>Developing recommendations</i></p> <p>The development and agreement of recommendations is often an iterative process. It will usually be appropriate for this to be done only by members, assisted by co-optees where relevant. When deciding on</p>	<p>Good planning and preparation takes place for evidence sessions organised by Scrutiny Task Groups for all in-depth scrutiny reviews. A clear scope and key lines of enquiry are established and clearly explained to those invited to give evidence.</p> <p>Scrutiny skills training is provided as part of the Council’s Member induction programme including how to ask questions and provide effective challenge.</p> <p>Findings of fact and draft recommendations are routinely provided to individuals and organisations who have participated in scrutiny ahead of publication.</p>

	<p>recommendations, however, members should have due regard to advice received from officers, particularly the Monitoring Officer.</p> <p>Recommendations should be evidence-based and SMART, i.e. specific, measurable, achievable, relevant and timed. Where appropriate, committees may wish to consider sharing them in draft with interested parties.</p> <p>Committees should bear in mind that often six to eight recommendations are sufficient to enable the authority to focus its response, although there may be specific circumstances in which more might be appropriate.</p> <p>Sharing draft recommendations with executive members should not provide an opportunity for them to revise or block recommendations before they are made. It should, however, provide an opportunity for errors to be identified and corrected, and for a more general sense-check.</p>	
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