

DERBYSHIRE COUNTY COUNCIL

REPORT OF THE SCRUTINY REVIEW COMMITTEE

Review of the Derbyshire County Council Improvement and Scrutiny Function

MEMBERS

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	Contents	Page
	Executive Summary	3
1.0	Background	8
2.0	Learning From The Past – Building For The Future – Health Check Report	9
3.0	Issues and Recommendations	10
3.1	Staffing Structure	10
3.2	Committee Structure	11
3.3	Scrutiny Management Group	11
3.4	Constitutional Matters	12
3.5	Protocols	14
3.6	Reporting to Cabinet	15
3.7	Scrutiny of the Local Area Agreement	16
3.8	Scrutiny of Crime and Disorder Partnerships	17
3.9	Scrutiny and Equality and Diversity	18
3.10	Councillor Call for Action	20
3.11	Wider Engagement with the public and other bodies	21
3.12	Publicity	22
3.13	Petitions	23
3.14	The Role of Elected Members and Member Engagement	24
3.15	Performance Framework	26
3.16	Scrutiny and Risk	28
3.17	Health Scrutiny	29
4.0	Conclusions	30
	Appendices	
	Appendix A – Scrutiny Management Committee – Terms of Reference	31
	Appendix B – Statutory Framework Documents	33
	Appendix C – Improvement and Scrutiny Protocol	34
	Appendix D – Work Programme Protocol	41
	Appendix E – LAA Protocol	43
	Appendix F – Scrutiny Liaison Group – Terms of Reference	48
	Appendix G – Councillor Call for Action Guide	51

Review of the Derbyshire County Council Improvement and Scrutiny Function

Final Report

Executive Summary

The Improvement and Scrutiny function in the County Council was first established in 1998 and has been operating relatively unchanged in its present format without review since 2002. The implementation of the provisions of the Local Government and Public Involvement in Health Act 2007 and to a lesser extent, the Police and Justice Act, will have a significant impact on Scrutiny. It was agreed therefore that the function should be reviewed.

To oversee the review, a Scrutiny Review Committee comprising Councillors Jones, Gillott, Lauro and Burrows (as Scrutiny Chairs) along with Councillors Harrison, Twigg and Pryce, was established. The Review Committee agreed to commission Robin Stonebridge, a former member of Rotherham Metropolitan Borough Council and acknowledged scrutiny expert, to undertake an independent review of how scrutiny has performed to date and to look at the issues for the future. His report, Learning From The Past – Building For The Future – Health Check, identified the areas that needed to be addressed in this report in order to develop and improve the effectiveness of the Council's Improvement and Scrutiny function.

Summary of Findings

The Scrutiny function is continuing to develop following the implementation of new legislation and regulations. Some of the provisions have not yet been fully implemented and processes will need to be reviewed to ensure that they are working efficiently and effectively.

The Scrutiny Review Committee has made the following recommendations:

Recommendation 1

The Scrutiny staffing structure to remain unchanged but kept under review in the light of developments in the scrutiny role.

Recommendation 2

- (a) The Scrutiny Committee structure to remain unchanged but kept under review in the light of developments in the scrutiny role.
- (b) Responsibility for the scrutiny of children's health issues be transferred from the Healthier Communities Committee to the Children's Services Committee.

Recommendation 3

- (a) A Scrutiny Management Committee be established to oversee the management of the Scrutiny function.
- (b) The terms of reference of the Committee be agreed as detailed at Appendix A.

Recommendation 4

- (a) The County Secretary to ensure that Chief Officers are aware of constitutional requirements as they relate to Scrutiny and they are kept informed of any future changes.
- (b) Scrutiny would recommend that the statutory policy framework documents be adopted as detailed in Appendix B.
- (c) At the outset of the development of discretionary and optional plans and strategies, Scrutiny should be consulted as to whether they wish to be involved in the development process.
- (d) Improvement and Scrutiny Committees to consider relevant sections of the Forward Plan of Key Decisions at all meetings.
- (e) All Executive reports to consider whether or not there is a need for the call-in period to be waived.
- (f) The Standards Committee and Council be recommended to adopt the necessary changes to the constitution arising from the recommendations contained within this report and also from changes in legislation on matters such as Councillor Call for Action.

Recommendation 5

- (a) The Scrutiny Protocol be agreed and adopted as detailed at Appendix C.
- (b) The Scrutiny Work Programme Protocol be agreed and adopted as detailed at Appendix D.
- (c) The Local Area Agreement Scrutiny Protocol be agreed and adopted as detailed at Appendix E.

Recommendation 6

- (a) Cabinet or Council to receive final Scrutiny reports with a formal response including an action plan being made usually within 2 months, to Improvement and Scrutiny Committees on the acceptance or otherwise of the recommendations.
- (b) The same reporting procedure be adopted for Scrutiny reports relating to partner organisations.

Recommendation 7

- (a) A Scrutiny Liaison Group be established comprising representatives of the County Council and Derbyshire district councils.
- (b) The Terms of Reference for the Group be approved as detailed in Appendix F.
- (c) Awareness of Scrutiny with partner organisations be raised through greater use of the Public Relations Division, presentations to partners and promotional material.

Recommendation 8

In light of the provisions of the Regulations issued in April 2009, detailed consideration to be given to the most effective means by which to scrutinise crime and disorder.

Recommendation 9

- (a) That Scrutiny continue to oversee the implementation of the County Council's equality and diversity action plan designed to achieve the excellent standard under the Equality and Diversity Framework.
- (b) Appropriate equalities stakeholders be consulted on Improvement and Scrutiny reviews at a level commensurate to the equalities issues involved.
- (c) Equalities issues considered as part of Improvement and Scrutiny reviews to be clearly identified in final reports.

Recommendation 10

- (a) The operation and management of the CCfA process be kept under review.
- (b) Formal training for Members on CCfA be organised following the County Council elections.
- (c) The possibility of developing joint working arrangements with the District Councils be considered.

Recommendation 11

- (a) Scrutiny to actively seek to engage the public and local organisations in putting forward ideas for Scrutiny reviews.
- (b) Where practical and appropriate, members of the public to be encouraged to participate directly in the review process.

Recommendation 12

- (a) Scrutiny to make greater use of press releases to promote and publicise its work.
- (b) A Scrutiny information leaflet be produced to promote the function and to provide basic information about how Scrutiny operates.
- (c) The Scrutiny pages on the County Councils website be developed to provide a means through which the public can actively be involved in the Scrutiny process.

Recommendation 13

- (a) The Improvement and Scrutiny should be fully consulted on the development of the Council's Petition Scheme in light of the proposals contained in the Local Democracy, Economic Development and Construction Bill currently before Parliament.
- (b) A protocol for the management and co-ordination of petitions by Scrutiny be developed.

Recommendation 14

- (a) A Member Development Plan should be produced to identify the needs of members in undertaking their duties as frontline councillors.
- (b) A detailed role description be produced for front line members to be introduced following the County Council elections in June 2009.
- (c) A training programme for all Members be developed for use following the June elections including training specifically on Scrutiny matters.
- (d) A quarterly Scrutiny Newsletter be produced to update Members on Scrutiny work and issues.

Recommendation 15

- (a) Consideration be given to the method in which Improvement and Scrutiny receives performance information to facilitate the effective and robust scrutiny of performance.
- (b) Training for members on CAA and performance be included in the Member Development Plan referred to in recommendation 14(a) above.

- (c) Consideration to be given to Scrutiny's involvement in the CAA process.

Recommendation 16

- (a) Improvement and Scrutiny Committees should identify high risk services falling within their portfolios.
- (b) The identified high risk services should be the subject of regular and rigorous review by Improvement and Scrutiny Committees.

Recommendation 17

Any necessary changes to health scrutiny arrangements be considered at a later date following the Department of Health review.

Review of the Derbyshire County Council Improvement and Scrutiny Function

Final Report

1.0 Background

The Improvement and Scrutiny function in the County Council was first established in 1998 and has been operating relatively unchanged in its present format since 2002. The implementation of the provisions of the Local Government and Public Involvement in Health Act 2007 and to a lesser extent, the Police and Justice Act, will have a significant impact on Scrutiny. The time was opportune therefore, to undertake a review of how the Scrutiny function has performed to date and to look at what action is required in the future in order to implement the requirements of the Act.

To oversee the review, a Scrutiny Review Committee comprising Councillors Jones (Chair), Gillott, Lauro and Burrows (as Scrutiny Chairs) along with Councillors Harrison, Twigg and Pryce, was established.

2.0 Learning From The Past – Building For The Future – Health Check Report – Robin Stonebridge

The Review Committee agreed to commission Robin Stonebridge, a former member of Rotherham Metropolitan Borough Council and acknowledged scrutiny expert, to undertake an independent review of how scrutiny has performed to date and to look at the issues for the future. A copy of the report is available on request.

The report highlights the following areas where it is considered that the County Council is performing well:

- There is a strong sense of trust between officers and Members who work well together as a team.
- There is a confidence between the Executive and non-Executive Members that scrutiny is working for the improvement of the Council.
- There is a clear understanding of roles and boundaries between officers and Members.
- Scrutiny has supported decision-making and policy development and is challenging of the Council's work.
- Scrutiny has a history of addressing internal issues and those relating to health.
- Scrutiny Chairs are held in high regard by officers and other Members.

The report also highlights the following areas where Scrutiny could be improved:-

- There is a need to engage more Members in Scrutiny work outside of the meetings of Improvement and Scrutiny Committees possibly by more joint working with district councils.
- There has been very little involvement of co-optees or the public in Scrutiny work.
- Scrutiny needs greater support from Public Relations to promote its work and a better understanding of the Scrutiny function.
- There is a need to share more of the innovation and learning from Scrutiny work around the Council and between other councils and partners.
- There is a need for further and on-going Member development around strategic planning frameworks and its relevance to Scrutiny and its role in policy development, performance management and ensuring outcomes for citizens.
- There is a need to ensure that Members understand the LAA and the role of Scrutiny.

3.0 Issues and recommendations

Arising from the Health Check report and also from other considerations, the review has highlighted the following issues which are accompanied by appropriate recommendations.

3.1 Staffing Structure

The Scrutiny Team currently sits within the Policy, Research and Scrutiny Section of the Chief Executive's Office. The Team comprises the Improvement and Scrutiny Manager along with 4 Improvement and Scrutiny Officers covering 3 whole time equivalent posts.

The Health Check report highlights that current staffing levels may be an issue given the provisions of the LGPIH Act 2007 and other legislation relevant to Scrutiny. It is considered that the current establishment is sufficient to enable Scrutiny to function effectively at present, although this should be kept under review in light of developments such as LAA scrutiny, Councillor Call for Action and petitions, as well as possible developments relating to health scrutiny and scrutiny of crime and disorder.

It should be noted that the Local Democracy, Economic Development and Construction Bill currently before Parliament proposes that County Councils (not district councils) must designate one of their officers as "the Scrutiny Officer" to discharge its scrutiny functions. The responsibility of the Scrutiny Officer will include the promotion of the scrutiny function, providing support to Scrutiny Committees and providing support to Scrutiny Members, Executive Members and officers in relation to the Scrutiny function.

Recommendation 1

The Scrutiny staffing structure to remain unchanged but kept under review in the light of developments in the scrutiny role.

3.2 Committee Structure

The County Council currently undertakes its scrutiny work through 4 Improvement and Scrutiny Committees namely; Resources, Healthier Communities, Services for Children and Sustainable and Safe. There are no plans to change the current Committee establishment as it is felt that at present it is able to fulfil the various scrutiny roles. This will however, be kept under review in light of the developments in Scrutiny identified in this report.

The review would recommend however, that responsibility for the scrutiny of children's health issues be transferred from the Healthier Communities Committee to the Children's Services Committee to ensure that all Children's Trust Scrutiny is undertaken by a single Committee.

Recommendation 2

- (a) The Scrutiny Committee structure to remain unchanged but kept under review in the light of developments in the scrutiny role.
- (b) Responsibility for the scrutiny of children's health issues be transferred from the Healthier Communities Committee to the Children's Services Committee.

3.3 Scrutiny Management Group

Improvement and Scrutiny currently has no formal group where "management" issues affecting all four committees and the function in general can be addressed. Such issues have previously been dealt with through the Scrutiny Chairs and Vice-Chairs Group but this has not met recently. During the course of the review this "management" role has been undertaken by the Scrutiny Review Committee.

It is considered that there is merit in a formal management group comprising of representatives of all political groups being established to consider matters which affect the function as a whole, particularly as this is a time of considerable development of the function. Such a group would allow a formal means through which Scrutiny could communicate with the Executive and it would also enable Scrutiny to make decisions on general issues affecting the co-ordination and management of Scrutiny. The Health Check report states that such a group would give Scrutiny a "clearer voice and reference point".

The workload pressures currently on Members is acknowledged and care would need to be taken to ensure that membership of the group did not become too onerous. The remit of the group should be restricted to the consideration of matters which affect scrutiny as a whole, urgent business affecting Scrutiny and matters where it is inappropriate for one of the Improvement and Scrutiny Committees to make a decision on its own. The terms of reference for the Management Group are attached at Appendix A to the report.

Recommendation 3

- (a) A Scrutiny Management Committee be established to oversee the management of the Scrutiny function.

- (b) The terms of reference of the Committee be agreed as detailed at Appendix A.

3.4 Constitutional Matters

The way in which Scrutiny operates is set out procedurally in the County Council's Constitution. A number of issues have arisen in relation to these procedures, namely:

- **The Forward Plan of Key Decisions**

The Forward Plan is a tool through which Improvement and Scrutiny can seek to influence County Council policies prior to decisions being made. However, Improvement and Scrutiny Committees have not to date, used decisions contained in the Plan to shape work programmes. This is in part due to the Forward Plan not being maintained and kept as up to date as it should have been. The Scrutiny Chairs and the Scrutiny Manager have made representations to the County Secretary and the problem has now been resolved.

In order that the Forward Plan can be used as an effective tool for pre-decision scrutiny, it is recommended that Scrutiny Committees consider the parts of the Plan relevant to their portfolios at every meeting.

- **Call-in and waiving of call-in**

Problems have previously been identified relating to the publication of decision digests which activate the call-in process. Again representations have been made to the County Secretary and the issues have been resolved.

Scrutiny Chairs have also had concerns about the procedures involved waiving call-in. More robust procedures are now in place and the requirements to report waiving of call-in requests to Council are now followed. It is suggested that all executive reports should identify whether or not waiving of call-in is requested. If waiving of call-in is requested the report should indicate the reasons why the request is being made.

- **Major Plans and Strategies**

The Constitution makes provision for Scrutiny to be consulted on the development and revision of the plans and strategies making up the policy framework of the Council. Examples of such plans and strategies include the Council Plan, the Sustainable

Community Strategy, the Adult Services Plan and the Transport Plan. This has not been happening largely because there is a lack of awareness of the requirement to do so and because Scrutiny has also not engaged in the process. Policy framework documents fall in to 3 categories, statutory, discretionary and optional. The Council has chosen to include only those statutory documents in the Constitution. A copy of those plans and strategies identified as forming the Council's policy framework and therefore subject to formal consultation with Scrutiny is attached at Appendix B. Scrutiny Committees would expect however, to be consulted as to whether or not it wishes to be involved in the development of discretionary and optional plans and strategies.

Whilst it is noted that majority of the problems highlighted above have now been satisfactorily resolved, they have only done so following intervention from Scrutiny. It is the expectation of this review that in future, all constitutional and procedural matters relating to Scrutiny should be adhered to as a matter of course. The County Secretary is asked to ensure that Chief Officers are informed of constitutional and procedural requirements in order that this can be disseminated to appropriate departmental officers.

Scrutiny is currently undergoing a period of significant change and development some of the provisions of which will require formal procedural changes to the way in which the County Council operates. The provisions of the new and proposed legislation on matters such as Councillor Call for Action for instance, will mean that the County Council's constitution will need to be amended to reflect the changes. The report recommends therefore that the necessary changes to the Constitution arising from the report be agreed by Council following consideration by the Standards Committee.

Recommendation 4

- (a) The County Secretary to ensure that Chief Officers are aware of constitutional requirements as they relate to Scrutiny and they are kept informed of any future changes.
- (b) Scrutiny would recommend that the statutory policy framework documents be adopted as detailed in Appendix B.
- (c) At the outset of the development of discretionary and optional plans and strategies, Scrutiny should be consulted as to whether they wish to be involved in the development process.
- (d) Improvement and Scrutiny Committees to consider relevant sections of the Forward Plan of Key Decisions at all meetings.
- (e) All Executive reports to consider whether or not there is a need for the call-in period to be waived.

- (f) The Standards Committee and Council be recommended to adopt the necessary changes to the constitution arising from the recommendations contained within this report and also from changes in legislation on matters such as Councillor Call for Action.

3.5 Protocols

The review concludes that there is still a significant degree of misunderstanding or lack of knowledge of the Scrutiny process amongst officers and Members of the Authority. In 2002, a scrutiny protocol was produced as a guide to how scrutiny operated. However, the provisions of the protocol were never fully implemented and it quickly fell in to disuse and it is now out dated. Given the developments in Scrutiny it is considered that there is a need for a general protocol to be produced to act as a guide to officers and members alike.

The nature of scrutiny work will change in the coming months particularly as scrutiny will need to engage more with the public, partners and other public organisations. Scrutiny is likely to receive requests to undertake reviews of decisions and services from a variety of sources including the public, partners and organisations. This engagement is positive and is welcomed, but it could potentially have a significant impact on the capacity of scrutiny committee work programmes. It is important therefore, that scrutiny has a clear set of rules which governs what matters scrutiny will examine and which they will not.

Protocols have been produced to act as a guide to officers and members on scrutiny processes. In addition to a general scrutiny protocol, other protocols covering work programmes and scrutiny of the Local Area Agreement (LAA) have been produced and are attached at Appendices C, D, and E respectively.

Recommendation 5

- (a) The Scrutiny Protocol be agreed and adopted as detailed at Appendix C.
- (b) The Scrutiny Work Programme Protocol be agreed and adopted as detailed at Appendix D.
- (c) The Local Area Agreement Scrutiny Protocol be agreed and adopted as detailed at Appendix E.

3.6 Reporting to Cabinet

To date final scrutiny reports have been presented to Cabinet for the recommendations to be accepted and implemented. The result has been that there is often little formal dialogue between the Executive and

Scrutiny on the recommendations and the implications of them being implemented.

It is considered that it would be more open and transparent if Cabinet in the first instance resolved to receive final Scrutiny reports before reporting back to Scrutiny at a later date as to whether they accept the recommendations either in full or in part. This will allow officers and Cabinet Members the opportunity to consider the recommendations in detail and to provide considered reasons why recommendations have not been accepted where appropriate. It should not necessarily be seen in a negative way if some scrutiny recommendations are not accepted. The report to Scrutiny should include an action plan which will form the basis of future implementation reports (See below). There will be exceptions however, when the nature of the business being considered by Scrutiny is urgent and where it will not be practical or possible to follow the above procedures. In these cases reporting mechanisms will be agreed with the appropriate Scrutiny Committee.

It is suggested that the same reporting mechanism be adopted for Scrutiny reviews relating to partners. Provision to this effect is included in the LAA Scrutiny Protocol at point 7.5.

Implementation reports with accompanying action plans will be presented to Scrutiny Committees every 6 months or at other intervals as agreed by the Committee.

Recommendation 6

- (a) Cabinet or Council to receive final Scrutiny reports with a formal response including an action plan being made usually within 2 months, to Improvement and Scrutiny Committees on the acceptance or otherwise of the recommendations.
- (b) The same reporting procedure be adopted for Scrutiny reports relating to partner organisations.

3.7 Scrutiny of the Local Area Agreement

One of the main provisions of the LGPIH Act relates to Scrutiny of the LAA. The Act provided the County Council with powers to scrutinise contributions to the LAA. This includes a duty to co-operate whereby partners would be required to attend scrutiny meetings, to provide information and to have regard when taking decisions of any recommendations made by Scrutiny. The Act also provides that in two-tier local government areas the Government can by regulation, make provision for the same powers to be conferred on district councils. It is understood that the Government will issue such regulations in the coming months.

Particularly, if both the County Council and the District Councils have the power to scrutinise the LAA, there is considerable potential for problems to arise particularly with duplication of scrutiny work. It will be important for Councils to work together to ensure that scrutiny of the LAA is managed and co-ordinated effectively.

The LGPIH Act makes provision for the establishment of formal joint scrutiny committees comprising representatives of county councils and district councils to scrutinise the LAA in two tier areas. The Review Committee considers that the creation of a formal joint scrutiny committee would be overly bureaucratic and difficult to administer in practice. There are also resource issues along with the practicalities of delivering effective scrutiny of the LAA in conjunction with the eight district authorities. The Review Committee are therefore, not in favour of the creation of formal joint scrutiny committee.

The Committee prefers the establishment of a more informal liaison group comprising representatives of the County Council and the Districts to co-ordinate and manage LAA scrutiny activity in Derbyshire. The group would not be responsible for directly undertaking any scrutiny work and each council would ultimately retain the autonomy to review any matter it chooses. Any potential issues relating to scrutiny of the LAA could be considered by the group which would be in a position to raise issues with the Derbyshire Partnership Forum Board. Similarly, the Board could request as a last resort, that the Liaison Group make arrangements to resolve issues arising between partners where it has not been possible to find a solution through the usual LAA governance arrangements.

Discussions have been held with the district councils with the result that a Scrutiny Liaison Group has been established to co-ordinate and manage scrutiny of the LAA and also to consider any other areas where joint scrutiny arrangements between the County Council and the district council would be mutually beneficial. Terms of Reference for the Group are in the process of being agreed along with a LAA Scrutiny Protocol which will govern how scrutiny authorities interact with partners when undertaking scrutiny work (See section 3.4). A copy of the terms of reference for the Liaison Group is attached at Appendix F.

Scrutiny will be a new concept to many partner organisations. It will be imperative that work is undertaken to raise awareness of Scrutiny and how it operates. This will include greater use of the Public Relations Division and publicity materials to promote scrutiny (See section 3.11).

As Scrutiny continues to develop there may be further opportunities such as petitions and CCfA to work jointly on scrutiny with the districts.

The Liaison Group will provide a practical vehicle through which these developments can be discussed and progressed.

Recommendation 7

- (a) A Scrutiny Liaison Group be established comprising representatives of the County Council and Derbyshire district councils.
- (b) The Terms of Reference for the Group be approved as detailed in Appendix F.
- (c) Awareness of Scrutiny with partner organisations be raised through greater use of the Public Relations Division, presentations to partners and promotional material.

3.8 Scrutiny of Crime and Disorder Reduction Partnerships

The Police and Justice Act 2006 provided Improvement and Scrutiny with powers to scrutinise Crime and Disorder Reduction Partnerships. Regulations issued in April 2009 set out how this should operate in practice. The provisions came in to effect on 30 April, although it is accepted that Councils will not have processes fully in place immediately.

The Regulations prescribe that each local authority should have a scrutiny committee with designated responsibility for crime and disorder issues. This can be a special committee set up specifically for this purpose or an established committee which considers other subject areas other than crime and disorder matters. In the latter case, the regulations stipulate that the Committee will need to formally consider crime and disorder matters at least once a year. The County Council already has designated the Safe and Sustainable Improvement and Scrutiny Committee as its crime and disorder committee. In light of the newly issued Regulations, consideration will need to be given as to how best to scrutinise crime and disorder most effectively.

Partner authorities will be under a duty to cooperate and must supply information on request from Scrutiny Committees and attend meetings to give evidence if requested. Partners must give consideration to recommendations made by Scrutiny and must respond formally in writing.

As detailed above, the County Council has already agreed in principle to establish mechanisms for scrutinising the LAA of which the Crime and Disorder Partnerships form part. The co-ordination of scrutiny of crime and disorder can therefore be undertaken through the Scrutiny Liaison Group which it is proposed to establish to perform this role for the LAA as a whole.

It is understood that consideration is being given to extending the role of Scrutiny to cover scrutiny of the performance of the Police, magistrates, the Crown Prosecution Service, judges, prisons, the Probation Service and Youth Courts. This will need to be considered further if the proposals are adopted.

Recommendation 8

In light of the provisions of the Regulations issued in April 2009, detailed consideration to be given to the most effective means by which to scrutinise crime and disorder.

3.9 Scrutiny and Equality and Diversity

There are two important issues for Scrutiny in relation to equality and diversity.

I. Achieving the Equality Standard

The Equality Standard for Local Government includes specific requirements in relation to monitoring and scrutiny, including the development of relationships between Member scrutiny and the involvement of the community and employee based stakeholders. Derbyshire County Council is currently working towards Level 3 of the Standard, which has 5 levels in total.

In April 2009 the Equality Standard will be replaced by a new 'Equalities Framework for local government'. Under the new framework authorities will migrate to a level commensurate with their achievement on the Equalities Standard by 31 March 2009. In the case of Derbyshire this would mean that the Council would become an 'achieving' council when it achieves Level 3 of the Equality Standard via self-assessment and external validation. If the Council fails to achieve Level 3 it will become an 'emerging' authority (the lowest level) under the new Framework.

The Resources Improvement and Scrutiny Committee at its meeting held on 23 July 2008 has agreed to establish a working group to scrutinise how effectively the Council is implementing its equality and diversity action plan, including how we meet our legal obligations under the Race Relations (Amendment) Act 2000, the Disability Discrimination Act 2005, and the Equality Act 2006 and to oversee the process of achieving Level 3 and maintaining standards under the new framework. Work to achieve level 3 is on-going.

If Level 3 is gained by the Council, the next level of attainment to be achieved is excellent. Again this will involve a self assessment process

which will require an input from scrutiny as a “critical friend” if the excellent award is to be achieved. It is recommended therefore, that Scrutiny continue to oversee the implementation of the County Council’s equality and diversity action plan designed to achieve the excellent standard under the Equality and Diversity Framework.

II. Mainstreaming equality and diversity considerations in to the scrutiny review process.

To support the achievement of Level 3, it is also important that scrutiny develops a consistent mechanism for consultation with interested and relevant external partners/stakeholders for every review. Presently this is done on an ad hoc basis where scrutiny officers and working groups identify a need to consult on a specific issue. This process should be more robust to ensure that all potential equality and diversity issues are identified and addressed where appropriate. It would also improve consistency across, and mainstreaming of, equality and diversity within the scrutiny process.

The level of involvement of equalities stakeholders in reviews should be commensurate to the subject of the review in question. A review with very few equalities issues may only need input from individual departmental Equalities Officers. A review with more equalities issues may require Scrutiny to consult with representatives from the Council’s principle equalities stakeholders. A review with very significant equalities issues would involve consultation with a variety of equalities representatives and organisations. It could even extend in appropriate cases to equalities representatives being members of Scrutiny working groups overseeing reviews.

A judgement as to the likely equalities issues should be taken at the outset of scrutiny reviews. Scrutiny reports should clearly identify the equalities issues addressed, those consulted and the extent to which they have been addressed in the recommendations arising from the review.

Recommendation 9

- (a) That Scrutiny continue to oversee the implementation of the County Council’s equality and diversity action plan designed to achieve the excellent standard under the Equality and Diversity Framework.
- (b) Appropriate equalities stakeholders be consulted on Improvement and Scrutiny reviews at a level commensurate to the equalities issues involved.
- (c) Equalities issues considered as part of Improvement and Scrutiny reviews to be clearly identified in final reports.

3.10 Councillor Call for Action (CCfA)

The CCfA is intended to allow all councillors the opportunity to refer matters as a last resort to overview and scrutiny committees for consideration. The aim of CCfA is to help frontline councillors raise matters with the Council on behalf of their constituents which relates in broad terms to the discharge of functions of the Council and its LAA partners. It signals a measure of support for frontline councillors and is a clear recognition by government of the role of scrutiny in contributing to community leadership.

CCfA is a potential problem area for Scrutiny in terms of work planning as it is difficult to predict how many such requests will be received. It will be important that processes are in place to clearly record the issue, to evidence what action has taken place to resolve it and identify who is the responsible officer. The County Secretary will be responsible for monitoring and implementing the CCfA process.

CCfA under the Local Government and Public Involvement in Health Act came in to force on 1 April 2009. CCfA relating to crime and disorder under the Police and Justice Acts came into effect on 30 April 2009. The Centre for Public Scrutiny has produced best practice guidance on the operation of CCfA which was issued at the end of February 2009. Cabinet at its meeting on 7 April approved guidance for Members on CCfA along with the process to be followed and this has been distributed to all Members. A copy of the guidance is attached at Appendix G. At the time of writing no CCfA requests have been received so the operation of the process adopted has not been tested. The process will need to be reviewed at an appropriate time to ensure that it is working effectively.

Given the impending County Council elections, it is not proposed to undertake any formal training on CCfA at this stage. In the period up to the elections, Members will be asked to contact officers for advice if they receive a CCfA request.

Informal discussions have been held with the district councils to assess whether there is any scope of developing joint processes and procedures for CCfA. These discussions are continuing.

Recommendation 10

- (a) The operation and management of the CCfA process be kept under review.
- (b) Formal training for Members on CCfA be organised following the County Council elections.
- (c) The possibility of developing joint working arrangements with the District Councils be considered.

3.11 Wider engagement with the public and other bodies

The Health Check report recommends that Scrutiny needs to engage the public and other bodies more in the process, including the use of co-opted members on review working groups. To date, the County Council has not actively encouraged public involvement in the process and subsequently their involvement has been minimal. Similarly, the co-opting of external members on to Scrutiny working groups has not been utilised very often.

Recent developments are leading Scrutiny towards working at a more local level as well as at a strategic level. It is considered that the scrutiny of local area issues and the introduction of CCfAs will stimulate greater interest from the public (and also Members) as they will naturally have an interest in matters which directly affect them. There will also be greater scope to involve the public directly in scrutiny reviews as evidence providers where the focus of the review is a local issue. At the same time, more effective use of the Public Relations Division to promote and explain the scrutiny process and also the outcomes of scrutiny work will hopefully increase interest and participation in the process.

It is not sufficient to hope that undertaking scrutiny work at a more local level will stimulate greater interest from the public. Scrutiny will need to be more proactive in the way in which it engages with the public and outside organisations. Through publicity and working at a local level the public and local organisations should be encouraged to put forward suggestions for reviews and to participate in the scrutiny process.

Whilst it is important that awareness of Scrutiny is increased there is a danger that public expectation in terms of outcomes will be raised. It will need to be recognised that Scrutiny's capacity is limited and a greater understanding of the role of scrutiny will need to be promoted. The Work Programming Scrutiny Protocol (Appendix C) has been designed to provide clear guidelines on the types of issues scrutiny will consider reviewing. Even then there may be occasions when workloads will prevent Committees taking on anything other than urgent reviews. The final say about whether to undertake review work will always rest with the Improvement and Scrutiny Committee.

Recommendation 11

- (a) Scrutiny to actively seek to engage the public and local organisations in putting forward ideas for Scrutiny reviews.
- (b) Where practical and appropriate, members of the public to be encouraged to participate directly in the review process.

3.12 Publicity

The Health Check report also highlights the need for Improvement and Scrutiny to make good use of the Public Relations Division to promote an understanding of the scrutiny function both internally and externally, the scrutiny work programme, how to get involved in the scrutiny process and to promote the outcomes of scrutiny work.

Scrutiny has not made good use of publicity although it has recently issued a press release seeking the public's views on care for the people with learning disabilities. Where it has tried to make use of publicity in the past, it has not always found the process easy. It has also found that on occasions, press releases relating to completed scrutiny reviews have been issued without reference to the scrutiny work undertaken. A specific section on scrutiny and publicity has been included in the general scrutiny protocol attached at Appendix B. Scrutiny Chairs should be free to issue press releases through the Press Office on any matters affecting scrutiny including scrutiny reviews. Once reviews have been completed and agreed responsibility for press releases should rest with the appropriate Cabinet Member(s) with reference being made to Scrutiny's input where appropriate.

In order to help promote an understanding of the scrutiny process it is recommended that an information leaflet be produced in conjunction with the Public Relations Division which provides basic background information on how scrutiny operates. The information leaflet will be particularly useful in promoting a basic understanding of scrutiny with partners and members of the public.

Scrutiny currently has dedicated pages on the County Council's website which provides basic information about the function. It is recommended that the Scrutiny web pages should be developed further to encourage greater participation by the public in scrutiny work. The website should provide a means through which the public can actively play a part on line in the scrutiny process as well as being an information source.

Recommendation 12

- (a) Scrutiny to make greater use of press releases to promote and publicise its work.
- (b) A Scrutiny information leaflet be produced to promote the function and to provide basic information about how Scrutiny operates.
- (c) The Scrutiny pages on the County Councils website be developed to provide a means through which the public can actively be involved in the Scrutiny process.

3.13 Petitions

The Local Democracy, Economic Development and Construction Bill currently before Parliament, sets out the Government's intentions as to how authorities should deal with petitions. The Bill stipulates that an authority must have a petition scheme and that in response to an active petition, an authority must take certain steps to respond to the petition. One of these possible steps is to refer the petition to scrutiny. In addition, the Bill makes the provision that if the petitioner so requests, scrutiny must review the "adequacy of the steps taken or proposed to be taken in response to the petition".

The Bill could potentially have significant implications on Scrutiny's workload. It is likely that petitioners will seek to refer matters to Scrutiny for consideration as it will become seen as a legitimate part of the decision-making process. Some petitioners could also potentially view referrals to Scrutiny as a delaying tactic. How the Council and Scrutiny considers petitions therefore, will need to be carefully considered. It is the expectation of the review that Improvement and Scrutiny should be fully involved in the development of the petition scheme for the County Council. It is also recommended that a petitions protocol be developed to manage and co-ordinate Scrutiny's response to petitions.

Recommendation 13

- (a) The Improvement and Scrutiny should be fully consulted on the development of the Council's Petition Scheme in light of the proposals contained in the Local Democracy, Economic Development and Construction Bill currently before Parliament.
- (b) A protocol for the management and co-ordination of petitions by Scrutiny be developed.

3.14 The Role of Elected Members and Member Engagement

The Local Government Act and subsequent other legislation has meant that the role of the front line or ward councillor in modern local government is significantly different to that of councillors under the former political arrangements. In addition to holding the Executive to account and acting in the interests of the Council as a whole, Members are now expected to be community leaders and advocates as well as being the link between communities and the Council. The role of front line councillor is even more complicated in two-tier council areas such as Derbyshire.

All the elements of a councillor's new role are linked so it is important that they fully understand all aspects of this and not just their role as a scrutiny member. Research by the Joseph Rowntree Foundation

suggests that the role of the ward member in modern local government has the following six distinct dimensions:

- **Political representative:** the ability to connect with all parts of the community and represent everyone fairly, and to balance local concerns with the political demands of the group manifesto.
- **Community advocate:** be a skilled advocate for people from different backgrounds, cultures, and values; have the confidence to speak freely and challenge the executive.
- **Community leader:** exercise community development skills – support local projects and initiatives, and educate people about local participation; be a good communicator – explain what political decisions and structures mean to constituents and community organisations; be sensitive to difference and issues of diversity and equality; have knowledge and skills to engage people in a variety of ways (not just meetings); be a conflict broker.
- **Service transformer:** understand the complex business of local government and services provided both by the council and others; have the confidence and ability to hold service providers to account; be able to work in partnership with a range of agencies and interests; ability to understand local problems and use this knowledge locally and strategically in local action planning; setting and monitoring service standards.
- **Place shaper:** being a local figurehead/role-model that people feel they can turn to; be able to shape the very local environment – ability to identify priorities, work with officers and service providers to address public realm problems, manage delegated locality budgets.
- **Knowledge champion:** be the primary source of local intelligence flowing between the community and the council; have the skills to collect and analyse local information and use it to benefit the community¹.

The research acknowledges that fully developing the new role for councillors will be something that may take a long time to achieve. It will require a major culture change for councils in how officers and members work together and also how political parties operate as the new system will require ruling party and opposition members to work closely together.

¹ Ward Councillors and community leadership: a future perspective – Joseph Rowntree Foundation.

If front line councillors are to be successful in their new role, they will need assistance in achieving this. As some councillors sit on both the County Council and a district council there are concerns over their capacity to deliver their new role. It is estimated that at present only 50% of front line councillors are engaged in the Scrutiny process. Support for Members will be required in terms of developing the necessary skills, provision of information and officer support.

The County Council will be expected to demonstrate that its councillors are prepared for their new role as community leaders and scrutineers. The 2007 CPA Assessment highlighted that Members would need support if they were to “take on a greater community leadership role and embrace new agendas...” The Health Check report also clearly identifies a need for “further [and repeated] Member and officer development around strategic planning frameworks and the relevance of this to Improvement and Scrutiny Members and to their role in policy development, performance management and ensuring outcomes for citizens”.

It is not clear who is taking responsibility for developing the role of members and what work has been done. There is no plan or strategy for Member development, although this was a recommendation arising from the Scrutiny review of Member Training and Development adopted by Cabinet in January 2004. The Committee concludes that for the Scrutiny function to fully develop, Members require a full understanding of their new role. It is important for instance, that they have a good understanding of the role of the LAA, strategic planning and performance management.

It is suggested therefore, that a Member Development Plan should be produced to identify the needs of members in undertaking their duties as frontline councillors. It is also important that the role of front line councillors be clearly defined in the form of a “role description” and that this should become effective following the June elections.

Since the inception of Scrutiny in 2000, training and development on scrutiny for Members has been ad hoc and limited. The last major training event organised for Scrutiny Members was in July 2005 following the last County Council elections. County Council elections are to be held in June 2009 and this represents an ideal opportunity to introduce a structured training programme for Members on all aspects of their role including the Scrutiny function. This training should be updated and repeated as necessary and every effort should be made to ensure that all Members attend.

A common issue with Scrutiny Members both locally and nationally is that they feel distanced from the decision-making process and find it difficult to access information about Council activities and decisions. Whilst all Councillors receive the Members Service Development Diary which is predominantly about Cabinet and Cabinet Member decisions, no information is provided on the Scrutiny function and its activities. It is considered that there would be benefit in providing Members with regular information relevant to the Scrutiny function in the form of an electronic quarterly Scrutiny Newsletter. An electronic newsletter would provide a means through which Members can be kept informed of reviews as well as developments in Scrutiny.

Recommendation 14

- (a) A Member Development Plan should be produced to identify the needs of members in undertaking their duties as frontline councillors.
- (b) A detailed role description be produced for front line members to be introduced following the County Council elections in June 2009.
- (c) A training programme for all Members be developed for use following the June elections including training specifically on Scrutiny matters.
- (d) A quarterly Scrutiny Newsletter be produced to update Members on Scrutiny work and issues.

3.15 Performance Framework

Part of the role of Scrutiny is to scrutinise local improvement targets and following the LGPIH Act 2007, this has been extended to cover LAA improvement targets.

Scrutiny of performance to date has been somewhat inconsistent with Committees receiving performance information often irregularly and in different formats. Some Committees receive very detailed reports often containing too much information. Others receive very little performance information at all. As a result, Members have struggled to engage with scrutiny of performance targets in general and its impact has been limited.

It will be important in the future that scrutiny of performance is more robust and consistent and can demonstrate that areas of under performance are identified at an early stage, challenged and appropriate interventions made to ensure service improvement. Part of the Comprehensive Area Assessment will be to judge how the Authority and its partners are performing against the 198 national indicator set, including LAA targets. Work is on-going to identify the most practical means through which performance information can be delivered

quarterly to all relevant parties including Improvement and Scrutiny Committees. Scrutiny Chairs will be consulted as part of this process. Again, there is a capacity issue for Scrutiny and this will need to be addressed.

Comprehensive Area Assessment (CAA) is the new framework for the independent assessment of local public services in England which comes in to effect from April 2009. Focussing on outcomes, CAA provides an independent assessment of how well people are being served by their local public services.

Evidence from Scrutiny will inform the CAA process. The CAA Framework document produced by the Audit Commission suggests that there is a two-way relationship between CAA and Scrutiny. In that “Scrutiny reviews carried out locally will provide valuable evidence that can feed in to CAA and may help inspectorates understand issues without having to carry out additional work. The findings from CAA will also be helpful to overview and scrutiny committees in identifying where they may wish to focus their attention and in providing them with helpful insights when conducting reviews. CAA is therefore of direct interest to elected councillors whatever position they hold, as community leaders on the executive or in holding the executive to account and representing local people.”

Under the CPA inspection regime many front line councillors were distanced and had little practical involvement in or knowledge of the process. Under CAA, it will be important for Scrutiny to be involved in the process in order that it can fulfil the role set out in the Framework document. For this involvement to be effective, Members will need to understand the CAA process and their role in it, a point which is raised in the Health Check report. Scrutiny Committees will also need to be more directly and formally involved in the CAA process in order that scrutiny reviews can be used as an evidence source by CAA inspectorates.

Recommendation 15

- (a) Consideration be given to the method in which Improvement and Scrutiny receives performance information to facilitate the effective and robust scrutiny of performance.
- (b) Training for members on CAA and performance be included in the Member Development Plan referred to in recommendation 14(a) above.
- (c) Consideration to be given to Scrutiny’s involvement in the CAA process.

3.16 Scrutiny and Risk

There are indications that Scrutiny is becoming increasingly used as a means of testing authorities' responses to high risk areas of activity. Government proposals arising from the Pitt Review for instance, propose to give County Council scrutiny functions the responsibility of reviewing the work of public sector bodies involved in managing flood risk. These bodies will be required to produce an annual report which scrutiny will be responsible for reviewing to ensure that the response is suitably robust.

It will not be sufficient for the Scrutiny Committee to receive the report annually and take no further action. The Committee will need to develop a degree of expertise in the subject to enable a critical evaluation and challenge of the steps taken to mitigate flood risk by the agencies concerned. In the event of a significant flooding occurrence (which will occur at some point in the future), if Scrutiny cannot demonstrate that it has robustly challenged public authorities over their response to flooding, the Scrutiny Committee could face significant criticism and adverse publicity. The public could legitimately ask why the decisions of agencies concerned were not challenged more rigorously. Whilst Scrutiny's involvement would not negate the statutory duties of other public bodies, these bodies could potentially "hide" behind the fact that Scrutiny had not challenged the actions they had taken.

The same principle applies to a whole range of other council activities where the consequences of failures in service provision are significant such as child protection, adult protection and disaster planning. Whilst, unlike flooding, there is no specific requirement to scrutinise such high risk activities at present, there is potential for criticism should an issue arise. If a high profile child protection issue arose for instance, would the public be satisfied with a response from scrutiny that it did not realise there was a problem?

As the profile of scrutiny is raised and as the public become more aware of it, it is more likely that such questions will be asked in relation to high profile issues. Scrutiny should be able to demonstrate that it has looked in depth at high risk services and is satisfied that there are no issues or where there are issues, they have made recommendations that Scrutiny feel would lead to the issues being resolved, even if the Executive decides not to act to implement those recommendations.

There are obvious capacity issues for Scrutiny in dealing with high risk issues which will need to be considered alongside the other competing demands and developments. The high profile and high risk nature of some issues and the need to demonstrate that they have been

rigorously scrutinised, will mean that a degree of knowledge and expertise will need to be developed by Members (and officers). Detailed consideration will need to be given to how to achieve this in practice.

Recommendation 16

- (a) Improvement and Scrutiny Committees should identify high risk services falling within their portfolios.
- (b) The identified high risk services should be the subject of regular and rigorous review by Improvement and Scrutiny Committees.

3.17 Health Scrutiny

Scrutiny has well established powers to scrutinise local health authorities. The Department of Health is currently in the process of reviewing health scrutiny arrangements in light of recent health authority structures. Any changes arising from the review including possible new health scrutiny guidance will be announced later in the year.

Recommendation 17

Any necessary changes to health scrutiny arrangements be considered at a later date following the Department of Health review.

4.0 Conclusions

The provisions of recent legislation such as the Local Government and Public Involvement in Health Act 2007 and the Police and Justice Act 2006 have had a major impact on the way in which Improvement and Scrutiny operates. Some of the provisions such as CCfA are new to local government and the way in which they are implemented will need to be reviewed on a regular basis to ensure that they are operating effectively and efficiently. Other new developments are likely on matters such as petitions and the scrutiny of flooding and careful consideration will also need to be given as to how these provisions are implemented.

The Scrutiny Review Committee considers that the recommendations contained in this report will improve the way in which the function operates and will lead to more effective challenge in holding the Executive to account. The recommendations should also assist in delivering coordinated and effective scrutiny of LAA partners. The report recommendations should also lead to greater knowledge of and public involvement in the Scrutiny process in general.

COUNCILLOR A M JONES
Chair –Scrutiny Review Committee

5 May 2009.

Scrutiny Management Committee Terms of Reference

1.0 Composition of the Management Committee

- 1.1 The Management Committee shall comprise 7 Elected Members allocated in line with the political balance of the Council.

2.0 Meetings

- 2.1 The Management Committee will meet as necessary in order to discharge the functions set out below.

3.0 Role of the Management Committee

3.1 General

- 3.1.1 To determine matters affecting the County Council's Improvement and Scrutiny function in general.
- 3.1.2 To consider and formalise a view on consultation documents relating to the development of the Scrutiny function.
- 3.1.3 To determine matters including work programmes, falling within the remit of more than one Improvement and Scrutiny Committee.
- 3.1.4 To consider urgent matters relating to the business of individual Improvement and Scrutiny Committees, where it is not possible or practical to convene a meeting of the full Committee.
- 3.1.5 To make recommendations to the Executive arising from consideration of matters affecting scrutiny raised under section 3.2.1 of the terms of reference.
- 3.1.6 To consider any general matters affecting the Scrutiny function referred from the Executive.

3.2 Specific

- 3.2.1 To monitor, review and amend scrutiny processes in respect of:
- Constitutional matters
 - Scrutiny Protocols
 - Call-in
 - The Scrutiny Liaison Group
 - Councillor Call for Action
 - Petitions

- Publicity
- Equality and diversity
- Member Training and Development

3.2.2 To produce and agree the Annual Scrutiny Report to Council.

4.0 Review

4.1 The Terms of Reference of the Committee to be reviewed annually.

May 09

Statutory Policy Framework Documents

- Annual Library Plan;
- Children's and Young Peoples Plan;
- Community Care Plan;
- Sustainable Community Strategy;
- County Community Safety Agreement;
- Local Transport Plan;
- Plans and strategies which together comprise the Development Plan;
- Youth Justice Plan;
- Council's Corporate Plan;
- Food Law Enforcement Service Plan;
- Adult Services Plan.

Improvement and Scrutiny Protocol

1.0 Purpose of the Protocol

- 1.1 This protocol is designed to guide the working relationship between Derbyshire County Council's Improvement and Scrutiny and Executive functions. The purpose of the protocol is:
- To define the roles of the Executive and Improvement and Scrutiny in dealing with matters relating to the Scrutiny function.
 - To establish operational guidelines on how Scrutiny work will be conducted.
- 1.2 The protocol is intended for use by officers and Members supporting the County Council's Executive and Improvement and Scrutiny Officers and Members.

2.0 Background

- 2.1 The legislation governing Improvement and Scrutiny is:
- The Local Government Act 2000
 - The Health and Social Care Act 2001
 - The Local Government and Public Involvement in Health Act 2007
- 2.2 In general terms the role of Scrutiny is to scrutinise, report and make recommendations on:
- decisions made or decisions to be taken by the Executive including the call-in of decisions
 - County Council services
 - Partners in terms of their work with the Local Area Agreement
 - Health services commissioned or provided by local NHS organisations
 - The development of documents comprising the Council's policy framework
 - County Council performance and the performance of partners
 - Requests made as a Councillor Call for Action.

3.0 Improvement and Scrutiny Work Programmes

- 3.1 Generally, Scrutiny can examine any issue which affects the area and/or its inhabitants.

- 3.2 Each Improvement and Scrutiny Committee will develop an annual work programme.
- 3.3 Some matters will however, inevitably arise during the course of the year which will be added to work programme.
- 3.4 Chief Officers and Cabinet Members will be consulted on all matters to be included in work programmes.
- 3.5 The final decision as to whether a matter should be included in the work programme rests with the appropriate Improvement and Scrutiny Committee.
- 3.6 A separate more detailed protocol on the Scrutiny work programmes has been developed. Please refer to this document.

4.0 Conduct of Scrutiny Work

- 4.1 Each Department will nominate a departmental Scrutiny Lead who will be the primary point of contact on general matters affecting Scrutiny.
- 4.2 The conduct of individual reviews will as far as possible be agreed at the scoping report stage. Chief Officers, departmental scrutiny leads and Cabinet Members will be advised of any significant variations to the original scope of the review which arise during the review process.
- 4.3 The conduct of other review work such as dealing with call-ins will be determined on an individual basis following consultation with Chief Officers, departmental Scrutiny contacts and Cabinet Members.
- 4.4 Scrutiny will usually conduct its business through the Improvement and Scrutiny Committees or working groups established to oversee specific reviews.
- 4.5 The final decision on the conduct of Scrutiny work rests with the Improvement and Scrutiny Committee.

5.0 Attendance at Improvement and Scrutiny meetings

- 5.1 Officers requested to attend Scrutiny meetings will under normal circumstances be given at least 28 days notice of the meeting. There may be circumstances however, such as a review of a called-in decision, where it may not be possible to give this length of notice.
- 5.2 Under normal circumstances the officers requested to attend meetings to give evidence on Scrutiny reviews will be identified at the scoping report stage. There may be circumstances where this is not possible however. In all circumstances, Chief Officers and departmental Scrutiny leads will be notified when it is intended to talk to an officer from their department.

- 5.3 Officers attending meetings will be briefed by the Scrutiny Team regarding the purpose of the meeting, its format and the subject matter.
- 5.4 Improvement and Scrutiny Committee meetings are open to the public to attend except on rare occasions when the business under discussion is confidential.
- 5.5 Review working group meetings are generally not public meetings, although there may be occasions when the public and other interested parties are present. In these circumstances, those attending will be notified in advance.
- 5.6 It is accepted that there may be occasions when officers are unable to give full answers to questions at meetings without seeking advice or further information. In such instances either another meeting will be convened or a written response will be acceptable.

6.0 Information in support of Scrutiny Work

- 6.1 An Improvement and Scrutiny Committee and its working groups will be entitled to copies of any document which is in the possession or control of the Executive or its committees and which contains material relating to any business transacted at a meeting of the Executive or its committees or any decision taken by an individual member of the Executive.
- 6.2 An Improvement and Scrutiny Committee will not be entitled to:
 - (a) any document that is in draft form;
 - (b) any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise.
- 6.3 Under normal circumstances, the Improvement and Scrutiny Committee would expect to receive information within 20 days of the request being made. There are circumstances however, such as a call-in, where the decision may be required at shorter notice. Similarly where the request is for a large amount of information or for information which is not readily available, timescales will need to be extended by agreement.
- 6.4 Written reports requested by a Scrutiny Working Group should be available 7 days prior to the meeting.

7.0 Reports by Scrutiny

- 7.1 At the outset of Scrutiny reviews, all scoping reports will be circulated by the Improvement and Scrutiny Team to relevant

- Chief Officers, departmental Scrutiny leads, the Equality Officers and Cabinet Members.
- 7.2 Final Scrutiny reports will be circulated by the Improvement and Scrutiny Team to relevant Chief Officers, departmental Scrutiny leads, Cabinet Members and others who have contributed to the review process.
 - 7.3 Under normal circumstances, a minimum 20 days will be allowed for comment on all Scrutiny reports.
 - 7.4 For both scoping reports and final reports, comments on matters other than accuracy will be considered but the final say regarding the wording of reports rests with the Improvement and Scrutiny Committee.
 - 7.5 Once final Scrutiny reports have been agreed by Committee they will usually be submitted to the next available meeting of Cabinet or Council (Subject to the Chairs availability to present the report).
 - 7.6 Final reports will be presented to Cabinet or Council for them to receive and to report back to a future meeting of the Improvement and Scrutiny Committee usually within 2 months, as to whether they accept the report, either in full or in part, giving reasons where appropriate. An action plan shall accompany the report which will be used as the basis for future implementation reports. There may be occasions however, where the matter under consideration requires an urgent response from Scrutiny and in such cases the response will be agreed by the appropriate Scrutiny Committee.
 - 7.7 Implementation reports detailing progress against agreed actions will be presented to the appropriate Improvement and Scrutiny Committee every six months or at such period as is agreed by the Committee.

8 Reports to Scrutiny

- 8.1 Reports to Scrutiny Committees are generally public and are subject to the Access to Information rules on publication and notice.
- 8.2 Under normal circumstances at least 28 days notice will be given of the need for a report to be produced for a Scrutiny Committee. There may be exceptions however, when this is not possible and where reports need to be produced at shorter notice or as a matter of urgency.

9 Call-in

- 9.1 The call-in process as set out the Council's Constitution allows Members to request that decisions be reviewed where it is considered that there is evidence which suggests that issues

have not been handled in accordance with the decision-making principles set out in Article 13 (decision-making). Call-in should however, only be used in exceptional circumstances.

- 9.2 The procedures for dealing with call-in are detailed in the Council's Constitution in the Improvement and Scrutiny Rules section. Procedural advice on matters relating to the call-in process should be taken from the County Secretary.
- 9.3 The reason against which a call-in request will be judged as valid is if a member(s) has good reason to believe that the Executive or officer did not take the decision in accordance with the principles set out in Article 13(2) of the Council's Constitution namely:
- (a) proportionality (i.e. the action must be proportionate to the desired outcome);
 - (b) due consultation and the taking of advice from officers;
 - (c) respect for human rights;
 - (d) a presumption in favour of openness; and
 - (e) clarity of aims and desired outcomes.
- 9.4 If a decision is called in Chief Officers will be notified as soon as possible by the County Secretary. **No** action should be taken on the matter until the Improvement and Scrutiny Committee has completed its review of the decision.
- 9.5 Any Cabinet or Cabinet Member report can be called in at any time and where this happens, the implementation of the decision will be delayed. Authors of reports should have regard to this when timetabling reports for approval.
- 9.6 The Improvement and Scrutiny Team will discuss the conduct of the review of the decision including timescales, with the Chief Officer, departmental Scrutiny lead and the report author and will endeavour to complete its review as soon as is reasonably practicable. The final decision on the conduct of the review rests with the Improvement and Scrutiny Committee.

10.0 Waiving of Call-in

- 10.1 The Council's Constitution allows for the call-in period to be waived in cases where it is important that a decision taken by the Executive is acted on immediately or before the end of the call-in period to avoid seriously prejudicing the Council's or the public interest.
- 10.2 The procedures for dealing with waiving call-in are detailed in the Council's Constitution in the Improvement and Scrutiny Rules section. In addition to contacting the Improvement and Scrutiny Committee Chair, authors of reports should also inform the County Secretary and the Improvement and Scrutiny Team of the request. Ideally, the reasons given by the Committee Chair for

agreeing to waive call-in should be included in the report although there will be circumstances where this is not possible. Procedural advice on matters relating to the waiving of call-in should be sought from the County Secretary.

- 10.3 To waive call-in, the Chair of the appropriate Improvement and Scrutiny Committee should agree that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. Decisions taken as a matter of urgency should be reported by the County Secretary to the next available meeting of the Council, detailing the reasons for urgency.
- 10.4 All Executive reports should detail whether or not call-in is requested to be waived.
- 10.5 It is the expectation of the Improvement and Scrutiny Committee Chairs that the majority of decisions should be planned sufficiently in advance to ensure that such requests are kept to a minimum.

11.0 Forward Plan of Key Decisions

- 11.1 The Council's Constitution sets out the procedure for including items on the Forward Plan including those relating to general exceptions and special urgency.
- 11.2 Again, it is the expectation of the Improvement and Scrutiny Committee Chairs that the majority of decisions should be planned sufficiently in advance to ensure that such requests are kept to a minimum.

12.0 Budget and Policy Framework

- 12.1 The Constitution details the procedures to be followed in developing plans, strategies or the budget which makes up the Council's policy framework. This allows for a minimum 6 week consultation period for Improvement and Scrutiny.
- 12.2 The Improvement and Scrutiny Committees would request that to enhance the Member involvement in the development process, that Scrutiny Committees be engaged wherever possible, from the outset of the process.

13.0 Councillor Call for Action

- 13.1 Separate detailed guidance on the operation of CCfA has been produced. For a copy of the guidance or for advice, please contact the Democratic Services Section or the Improvement and Scrutiny Team.
- 13.2 It is important that the procedures for recording CCfAs are followed.

14.0 Press and publicity

- 14.1 It is important that the Scrutiny function receives publicity. Publicity may be in relation to the operation of the Scrutiny function in general or to specific projects under review.
- 14.2 Chairs of Scrutiny Committees are able to issue press releases in their own right on matters relating to the Scrutiny function.
- 14.3 All Scrutiny press releases should be issued through the Press Office.
- 14.4 On matters which have been the subject of Scrutiny reviews, once Scrutiny reports have been received by Cabinet, responsibility for press releases on the subject will lay the appropriate Cabinet Member(s). References should be made however, to the role of Scrutiny where appropriate.

15.0 Review of the Protocol

- 15.1 The protocol will be reviewed annually.

5 May 2009.

Protocol for Determining Improvement and Scrutiny Work Programmes

1.0 Process for Developing Scrutiny Work Programmes

- 1.1 Each Improvement and Scrutiny Committee will develop an annual work programme.
- 1.2 Some matters will however, inevitably arise during the course of the year which will be added to work programme.
- 1.3 In order to identify potential issues around reviews such as timing and the conduct of the review, Chief Officers and Cabinet Members will be consulted on all matters to be included in work programmes. Similarly, the governing bodies of partner organisations under scrutiny will be consulted in line with the provisions of the LAA Scrutiny Protocol.
- 1.4 Where appropriate, District Scrutiny partners will be consulted through the Scrutiny Liaison Group to ensure that a similar review is not taking place in another authority and also to consider any possibilities for joint working.
- 1.5 Those suggesting subject areas for review will where appropriate be required to provide evidence to justify the review being undertaken. This will particularly be the case for suggested reviews of a local nature put forward by external bodies/individuals.
- 1.6 Improvement and Scrutiny Committees will consider all requests for reviews and where it is decided not to proceed with a review, an explanation will be provided.
- 1.7 Taking in to account the above, the final decision as to whether a matter should be included in the work programme rests with the appropriate Improvement and Scrutiny Committee.

2.0 Sources of Requests for Improvement and Scrutiny Reviews

- 2.1 Improvement and Scrutiny Committees will consider requests to undertake reviews from a variety of sources. These include:
 - Councillors
 - Chief Officers
 - Referrals from the Executive
 - Partner organisations
 - Other local organisations such as Parish Councils
 - Members of the public

3.0 Criteria for determining reviews

- 3.1 Improvement and Scrutiny Committees can determine their own work programmes and generally they can examine any issue which affects the area and/or its inhabitants. In doing so

however, Committees will usually judge requests to undertake reviews against the following criteria:

- The request relates to a key Council priority or a priority of partners.
- High levels of dissatisfaction with the provision of Council and/or partner services identified through consultation.
- Issues identified from complaints regarding Council and partner services. These should be persistent complaints rather than individual complaints.
- Issues raised at a local level through Member surgeries. There should be evidence that the issues identified are of a persistent nature and that all other channels to resolve the problems have been exhausted.
- Poor performance against local improvement targets (LAA targets).
- The request relates to a matter included in the Forward Plan of Key Decisions.

4.0 Criteria for rejecting reviews

The final decision on whether to Scrutiny will review a matter rests with individual Improvement and Scrutiny Committees. Criteria for rejecting reviews however, may include the following:

- Where it is considered that the outcome of a review would have little or no impact in delivering service improvement.
- Where the issue is the subject of a review elsewhere either by another scrutiny authority or an external body.
- A matter which relates to the Regulatory or Licensing functions of the Council or its partners.
- Matters relating to the Standards Committee.
- Where the subject relates to a formal appeal against a decision of the Council or its partners.
- The matter relates to an individual complaint.
- Where insufficient evidence is presented in support of a potential review.
- Where it is considered that the request is vexatious.
- Where the objectives of the review cannot be achieved within specified timescales.

25 March 2009.

Local Area Agreement Scrutiny Protocol

1.0 Purpose of the Protocol

- 1.1 In order that the exercise of the scrutiny powers relating to the Local Area Agreement (LAA) are effective, it is important that all partners understand the aims and objectives of scrutiny and are fully engaged in the process.
- 1.2 The aim of scrutiny of the LAA is to review LAA targets and outcomes as well as the services provided by partners and to deliver improvements in service delivery to benefit local communities.
- 1.3 In doing so it is important that the scrutiny process is transparent, positive and constructive but also sufficiently challenging to ensure that the process adds value and delivers improvement.
- 1.4 This protocol is designed to inform and guide the working relationship between local Scrutiny authorities and partners in relation to Scrutiny of the LAA and to provide operational guidelines on how this will be conducted in practice.
- 1.5 The protocol is intended for use by officers and Members of Scrutiny authorities and organisations responsible for the delivery of the LAA. A full list of organisations in the LAA is attached at Appendix A.
- 1.6 The following scrutiny organisations have agreed to adopt the Protocol:

Amber Valley Borough Council
 District of Bolsover Council
 Chesterfield Borough Council
 Derbyshire Dales District Council
 Derbyshire County Council
 Erewash Borough Council
 High Peak Borough Council
 North East Derbyshire District Council
 South Derbyshire District Council

2.0 Background

- 2.1 The legislation governing Scrutiny is:
 - The Local Government Act 2000 which gave Scrutiny the powers to scrutinise the decisions made by council executives

and also the services provide in relation to any matter affecting the area and its inhabitants.

- The Health and Social Care Act 2001 provided County Councils with the power to scrutinise health services provided or commissioned by local health bodies.
- The Local Government and Public Involvement in Health Act 2007 provided County Councils and District Councils in two-tier areas with the power to scrutinise contributions to the LAA. This includes a duty to co-operate. (See 2.2 below)

2.2 In terms of Scrutiny, the duty to co-operate means that in relation functions or service delivery of the LAA, partners must if requested:

- Appear before a local authority scrutiny committee or working group.
- Provide information to a local authority scrutiny committee or working group.

2.3 In addition, partners must also have regard to any recommendations made by Scrutiny.

3.0 Scrutiny Work Programmes

3.7 Each Scrutiny authority will develop its own annual work programme.

3.8 There may be occasions where local authorities undertake scrutiny reviews jointly. In such circumstances, a “Lead Authority” and “Lead Officer” will be identified in order to give partners under scrutiny a first point of contact.

3.9 Scrutiny authorities will be consulted on all proposed work plans in order to avoid duplication and to co-ordinate work programmes.

3.10 Partners will be advised on all matters affecting them which are proposed to be included in work programmes and will be given the opportunity to comment.

3.11 At least 28 days notice will be given to partners of the intention to undertake a scrutiny review. Some matters will however, inevitably arise during the course of the year which will need to be added to work programmes at short notice.

3.12 Individual Scrutiny authorities will have their own criteria for selecting subject areas for review.

- 3.13 The final decision as to whether a matter should be included in a work programme rests with the appropriate Scrutiny Committee of each Local Authority.

6.0 Conduct of Scrutiny Work Involving Partners

- 6.1 Scrutiny reviews may be carried out in different ways depending on the subject, nature of the review and membership of the review group. The conduct of individual reviews will as far as possible be agreed at the scoping report stage. Partners will have the opportunity to have an input in to scope of the review and how it will be conducted and will be advised of any significant variations to the original scope which arise during the review process.
- 6.2 The final decision on the conduct of Scrutiny work rests however, with the appropriate Scrutiny Committee of each Local Authority.

7.0 Attendance at Scrutiny meetings by Partner Representatives

- 7.1 Officers/Members of partner organisations requested to attend Scrutiny meetings will under normal circumstances be given at least 28 days notice of the meeting. There may be circumstances however, where it may not be possible to give this length of notice.
- 7.2 Under normal circumstances the officers/Members requested to attend meetings to give evidence on Scrutiny will be identified at the scoping report stage. Again, there may be circumstances where this is not possible. In all circumstances, Chief Officers of partner organisations will be notified when it is intended to involve an officer from their organisation.
- 7.3 Officers/Members from partners attending meetings will be briefed in advance of the meeting by the Scrutiny officers regarding the purpose of the meeting, its format and the subject matter. Any relevant papers will be provided to those attending.
- 7.4 Meetings will usually be conducted in accordance with the standard rules and procedures of the council conducting the review as set out in their Constitutions. In the case of joint reviews, rules and procedures will be agreed between participating authorities.
- 7.5 Those attending scrutiny meetings will be treated fairly with respect and courtesy.

7.6 It is accepted that there may be occasions when officers are unable to give full answers to questions at meetings without seeking advice or further information. In such instances either another meeting will be convened or a written response will be acceptable.

7.7 Scrutiny Committee meetings are open to the public to attend except on rare occasions when the business under discussion is confidential.

6.0 Information Provided by Partners in support of Scrutiny Work

6.5 A Scrutiny Committee or associated working group will be entitled to copies of any document which is in the possession or control of partners and which contains material relating to any business transacted at a meeting of the partner or its committees with the exception of:

- (a) any document that is in draft form;
- (b) any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise.

6.6 Under normal circumstances, a Scrutiny Committee or associated working group would expect to receive information within 20 days of the request being made.

6.7 Written reports requested by a Scrutiny Committee should be available at least 7 days prior to the meeting.

8.0 Reports by Scrutiny on matters affecting partners

7.1 At the outset of Scrutiny reviews, all scoping reports will be circulated to relevant partner organisations.

7.2 For both scoping reports and final reports, comments on matters other than accuracy will be considered but the final say regarding the wording of reports rests with Scrutiny Committees or associated working group.

7.3 Under normal circumstances, a maximum of 20 days will be allowed for comment by partners on all Scrutiny reports where their input is required.

- 8.4 Final Scrutiny reports will be circulated to partners who have contributed to the review process.
- 8.5 Reports that contain recommendations for partner organisations that have been agreed by Scrutiny Committees will usually be presented to the next available meeting of the governing body of the partner organisation for them to receive and to report back to Scrutiny Committees, usually within 2 months, as to whether they accept the recommendations, either in full or in part.

9.7 Reports to Scrutiny by partners

- 9.8 Reports to Scrutiny Committees are generally public documents and are subject to the Access to Information rules on publication and notice.
- 9.9 Under normal circumstances at least 28 days notice will be given of the need for a report to be produced for a Scrutiny Committee or associate working group. There may be exceptions however, when this is not possible and where reports need to be produced at shorter notice or as a matter of urgency.

9.0 Matters of Dispute

- 9.1 If a partner organisation considers that the protocol is not being adhered to, the issue should be referred to the appropriate Scrutiny Committee. In the case of joint reviews, the matter should be referred to the Scrutiny Committee of the authority leading the review.
- 9.2 If agreement is not reached, or if an issue can not be resolved by the scrutiny committee, the matter may be referred to the Scrutiny Liaison Group.

10.0 Review of the Protocol

- 10.1 The protocol will be reviewed annually by the Scrutiny Liaison Group.

11.0 Scrutiny Contacts

The contact details of Lead Scrutiny Officers of the Councils which have adopted the protocol are set out below:

Appendix A - List to be added.

3 February 2009.

Derbyshire Scrutiny Liaison Group

Terms of Reference

3 February 2009

1. Introduction

- 1.1 These terms of reference have been developed as a framework for the promotion of collaborative working between the Scrutiny Members and Officers of:

- Amber Valley Borough Council
- Bolsover District Council
- Chesterfield Borough Council
- Derbyshire County Council
- Derbyshire Dales District Council
- Erewash Borough Council
- High Peak Borough Council
- North East Derbyshire District Council
- South Derbyshire District Council

2. Membership

Each Authority will be represented at Liaison Group meetings by 1 nominated Scrutiny Member and 1 Scrutiny Officer or their substitute. Additional Officers and Members will be able to attend as appropriate.

3. Chair

The Chair of the Group shall be a Member rotated amongst those councils who comprise the Group. Each term of office shall be for a 12 month period.

4. Meetings

Full Liaison Group meetings will be held at least quarterly at County Hall, Matlock unless otherwise agreed by the Group.

5. Role

- 5.1 The Terms of Reference set out the intention of partner Authorities involved in the Liaison Group to collaborate in relation to the exercise of their improvement and scrutiny functions in the County of Derbyshire. A primary focus of the Group will be on the effective scrutiny of the LAA, associated targets and the

contribution of stakeholders and partners into this process. The Liaison Group will also facilitate exchange of ideas, expertise, other areas of joint working and training opportunities. The autonomy of individual Authorities scrutiny committees will be respected and maintained.

- 5.2 When undertaking joint scrutiny work if differences in opinion/approaches emerge between partner authorities and where a resolution has not been achieved, the issue can be referred by any authority to the Scrutiny Liaison Group for further consideration and to ask that recommendations on a way forward are sought.
- 5.3 When problems are identified by the Derbyshire Partnership Forum Board relating to performance and the contribution of individual partner organisations and where a resolution has not been achieved, the Board can refer the issue to the Scrutiny Liaison Group for further consideration and to ask that recommendations on a way forward are sought.
- 5.4 The Group will facilitate but not engage directly in scrutiny work.

6.0 Terms of Reference

The Liaison Group will:

General Areas

- 6.1 Promote effective collaboration between the named Authorities, their Elected Members and Officers in relation to matters of scrutiny.
- 6.2 Consider future legislative developments affecting Scrutiny, share best practice and to develop where appropriate procedures and processes for joint working.
- 6.3 Be a conduit for the exchange of scrutiny ideas, expertise, training opportunities and the overall promotion of scrutiny as function of the democratic process.
- 6.4 Make Liaison Group Members aware of planned and current scrutiny activity being undertaken in each organisation, avoiding the risk of duplication of work and provide an opportunity to share best practice and engage in joint reviews if appropriate.
- 6.5 Produce a general set of protocols for scrutiny working with LAA partners.

- 6.6 Notes of meetings of the group will be produced within 14 days and will be circulated to all members via e-mail.

Specific Areas

- 6.7 Oversee and consider issues relating to the reporting of LAA performance information.
- 6.8 Use existing scrutiny arrangements in each Authority, with the understanding that links to the LAA may be explored within wider scrutiny reviews, or in agreement with an individual Authority taking the lead.
- 6.9 Develop specific protocols for conducting joint reviews into the LAA as and when required.
- 6.10 Develop mechanisms for administering Councillor Call for Action and its implementation.
- 6.11 Make the Liaison Group aware of the number and nature of petitions which relate to more than one Authority, which have been referred to scrutiny and agree on an appropriate response.

7. Review

- 7.1 These Terms of Reference will be reviewed and amended on an ongoing basis and will be formally reviewed annually by the Members of the Liaison Group.
- 7.2 The minutes of meetings of the Liaison Group will be received by the Derbyshire Partnership Forum. Reports may also be presented to the Forum on specific issues.

May 2009.

Councillor Call For Action – A Guide for Derbyshire County Councillors

Background

The Councillor Call for Action (CCfA) was established under the Local Government Public Involvement in Health Act 2007 and under the Police and Justice Act 2006 in respect of crime and disorder matters. CCfA is a mechanism through which Councillors can raise issues relating to the electoral division they represent that are of significant community concern and where the usual channels for resolving such issues have been exhausted or unsuccessful. CCfA cannot guarantee that the issue will be resolved.

What is a CCfA?

Councillors receive many representations and complaints from the people they represent regarding their contact with the local authority and its partners. The majority will be dealt with as Electoral Division issues and it is not the intention of the CCfA process to change this. It is important however, that the two are distinguished.

CCfA is about helping Councillors to resolve issues and problems on behalf of their residents where they are more than a relatively minor issue which relates to an individual or a small group. For example, representations about the poor state of a footway outside a particular dwelling should not be regarded as a CCfA. However if the representations related to the general poor state of footways across a housing estate where there had been numerous resulting falls, then the issue should be regarded as a CCfA. Also a series of complaints about an issue may demonstrate a “systematic failure” in a particular service area and this could be regarded as a CCfA.

CCfA will be a means of “last resort” in a broad sense, with issues being raised at Improvement and Scrutiny Committee only after other avenues have been exhausted.

A CCfA must:-

- Relate to the discharge of a function of the County Council or its LAA partners.
- Have a direct effect on all or part of the Electoral Division for which the Councillor is responsible or any person who lives or works in the Division.
- Relate to a neighbourhood or locality issue.
- Relate to a quality of public service provision issue.
- Be a matter of genuine local community concern.

- Be a persistent problem which has not been resolved.

A CCfA should **not** relate to:-

- Any matter which is vexatious, discriminatory or not reasonable to be included in the agenda for, or to be discussed at, a meeting of the Improvement and Scrutiny Committee.
- The questioning of decisions taken but not yet implemented by the Council for which the call-in mechanism should be used.
- The questioning and scrutinising of wider policy issues which should more properly be addressed as part of the formal Improvement and Scrutiny work programme.
- A matter that needs to be resolved quickly as the investigative and committee processes involved may not be conducive to making a quick decision on a matter.
- A matter that relates to a complaints process. Planning appeals, licensing appeals (under the Licensing Act 2003 – which concerns the sale of alcohol) and all other areas where a person has an alternative avenue to resolve an issue (that is, through an appeals process) are expressly excluded. A matter does not fall within the exclusion if it consists of an allegation that the function has not been discharged at all or that its discharge has failed or is failing on a systematic basis.

CCfA will need to be used responsibly by Councillors and not as a means of diverting persistent complainants away from individual Councillors. Care will need to be taken to ensure that the process is operated efficiently and consistently.

The purpose of CCfA is to provide resolution where other attempts have failed, to be a “long-stop”.

Receiving and Recording CCfAs

It is not the intention that the CCfA process should be made overly bureaucratic. However, it is important that CCfA requests are monitored and properly recorded, particularly as Councillors are now under a legal duty to respond to CCfA and also to ensure that the County Council is responding to CCfA in an appropriate manner.

Councillors should ask that, where possible, the CCfA request is provided in writing.

What should a Councillor look for in considering whether an issue should be regarded as a CCfA?

The first step is to think about whether the issue falls into the exclusions and then consider if it is an issue that is appropriate to be put forward as a CCfA, taking into account this guidance. The next step is to ascertain whether the issue can be, or has been, resolved through other means. Such means may be:-

- Questions at a committee
- Informal discussions with officers and other members
- Formal letters written on behalf of constituents
- Public meetings
- Petitions and deputations
- Council Motions
- Communications with the local MP
- Communications with councillors in other authorities

and many others.

It may be appropriate for the Councillor to consult with District/Borough/Parish Councillors in considering the matter at an early stage.

A named officer will be identified within the appropriate service area who will investigate and provide the Councillor with information. The officer will need to advise the Councillor on the following questions –

- Is the CCfA matter currently or has it been in the past the subject of an investigation under the complaints process or other statutory appeals (Planning/Licensing etc) process of the body to which the CCfA applies? If so what is the current position?
- What representations have been made by the originator of the CCfA request on the subject matter prior to the formal CCfA request being made? Have any other representations been made on the matter?
- What action has been taken to resolve the matter prior to the CCfA request being made? Have there been any issues which have prevented action being taken to resolve the issue?
- What action is proposed to be taken to resolve the issue following the CCfA request? Has any proposed action been agreed by the appropriate body?
- Have all possible means of resolving the issue been exhausted? Can anything else be done in an attempt to resolve the matter?

- Any other relevant issues or comments on the CCfA issue.

If the Councillor considers that efforts to resolve the matter have not been exhausted, or that the matter has been dealt with, the matter will be closed as a CCfA. If there are further steps that can be taken in seeking to resolve the issue then these should be pursued and the Councillor kept informed. If these further steps do not resolve the matter then the issue may re-appear as a CCfA. It is for the Councillor to decide whether the issue should be referred for inclusion on agenda for discussion at an Improvement and Scrutiny Committee as a CCfA.

What bodies does CCfA apply to?

In general terms, CCfA applies to any matters which are a function of the County Council. Improvement and Scrutiny also has the power to scrutinise and make recommendations to LAA partners in respect of local improvement targets. A CCfA can relate therefore to these bodies and if unsure, you should contact the Head of Democratic Services or the Improvement and Scrutiny Manager for advice.

If the matter is one for which the County Council is not directly responsible, we will signpost the Councillor to the appropriate body in order that it may be dealt with by that organisation. Local Councillors can provide valuable advice to partners on local concerns and difficulties and are a vital conduit for information and discussion. Some issues may be complex and involve a number of organisations and in these cases, it may be necessary for a lead officer to be identified who can co-ordinate the response to the CCfA. We will ask our partners to respond appropriately to CCfA issues raised by County Councillors.

The County Council's Complaints Procedure

The County Council's Complaints Procedure is, in many ways, similar to the CCfA procedure in that it seeks to resolve an issue where there is a complaint about the Council's actions (or lack of action) or about the standard of service provided. It is possible that an issue raised as a CCfA may be under consideration as part of the Complaints Procedure and thought will need to be given in, each case, as to whether the CCfA process would be appropriate in seeking to resolve such an issue.

How will CCfA work in practice?

- **STEP 1** A Councillor receives a request for action and gathers information and evidence on the background to the issue to enable an informed decision to be taken as to whether to proceed with a CCfA. Have all possible means of resolving the issue been

exhausted? Advice may be taken from the Head of Democratic Services or the Improvement and Scrutiny Manager. If the matter has been put forward as a potential CCfA item by the individual or local community group, the Councillor should ensure that the request is logged with the Democratic Services Team as a CCfA at this stage, even if the request is rejected by the Councillor. If the Councillor decides the matter does not constitute a CCfA, the decision is final and there is no right of appeal. The originator of the CCfA request should be informed.

- **STEP 2** If the Councillor decides, having investigated the matter further, that a CCfA is the correct course of action, the Councillor should request that the Council (or partner organisation) look in to matter and, if necessary, take action. An officer will be identified who will act as the lead officer contact and will be responsible for gathering evidence and reporting back to the Councillor on action taken. If, at the end of this stage of the process, the Councillor decides that the matter has been satisfactorily resolved or dealt with, the matter should be closed. Again, the Councillor's decision is final. The decision should be recorded and the originator of the CCfA request should be informed.
- **STEP 3** If however, the Councillor is still of the opinion that the matter should be considered a CCfA, it should be referred for inclusion on the agenda of the appropriate Improvement and Scrutiny Committee.
- **STEP 4** If the Improvement and Scrutiny Committee decides the issue should not be the subject of a review, the Councillor will be provided with a full explanation as to why this is the case. The decision should be recorded and the originator of the CCfA request should be informed.
- **STEP 5** If the Committee determines that the matter warrants further investigation, a review will be conducted and a report, including recommendations will be produced.
- **STEP 6** The report will be presented to Cabinet (or the governing body of a partner organisation) which may or may not accept the recommendations. The decision should be recorded and the originator of the CCfA request should be informed.

Action taken to implement accepted recommendations will be monitored by the Improvement and Scrutiny Committee to ensure that a satisfactory outcome is achieved and that, where appropriate, lessons are learned from the CCfA process.

The flow chart below sets out, more clearly, the CCfA process.

Timescales

CCfA issues will be dealt with in an expeditious manner and in accordance with existing County Council policies.

