

Derbyshire County Council

Improvement and Scrutiny Handbook

Draft

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Foreword

Scrutiny in local government came into being as a result of the Local Government Act 2000, with the aim of improving decision-making and public accountability.

The Council's improvement and scrutiny committees review services, question the way things are done and contribute to policy development before decisions are made. The aim is to add value by providing constructive, challenging support to the Cabinet in taking decisions. For this very reason when naming the committees Derbyshire deliberately chose the words "Improvement and scrutiny" rather than "Overview and scrutiny". This description better reflects the part that the Improvement and Scrutiny (I&S) committees can play in improving performance and achieving 'best value' services for residents.

The work of the I&S committees is not limited to internal council issues, they also consider work carried out by partners, for example local health services, whose services have an impact on the lives of local people.

About the Handbook

This Guide is primarily designed as a reference document and to assist Councillors engaging in Improvement and Scrutiny in Derbyshire County Council. It may also be useful as a guide for County Council Officers and representatives of partner organisations who could also be involved in the Scrutiny process. It sets out the legal framework in which Scrutiny operates along with practical advice on how Scrutiny work is conducted.

The guide has been produced by the Improvement and Scrutiny Team. If you have any issues or comments regarding the Guide they should be addressed to the Democratic Services and Registration Manager. The Guide is in a format which will enable the contents to be easily and regularly updated as necessary, to reflect developments in the Scrutiny process.

There are 6 sections in the Guide namely:

- Section 1 – Legislative Framework
- Section 2 – Role of the Council, Cabinet and Scrutiny
- Section 3 – How Improvement and Scrutiny works
- Section 4 – Key Areas of Improvement and Scrutiny Work
- Section 5 – Improvement and Scrutiny Committees
- Section 6 – Further Information

The Guide should be read in conjunction with other documents such as the County Council's Constitution.

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Section 1: Legislative Framework

1.1 Legislation

Local government scrutiny was formally introduced in the Local Government Act 2000.

Since 2010, several major pieces of legislation have been enacted that make significant changes to the way that local government operates. The Localism Act 2011 has sought to consolidate a significant amount of provisions which are still formally located in the Local Government Act 2000. These include:

- A requirement that executive arrangements make provision for the appointment of Overview and Scrutiny Committees (Referred to as “Improvement and Scrutiny” Committees at Derbyshire County Council).
- Powers and duties for I&S Committees to investigate, and make reports and recommendations on, anything which is the responsibility of the Executive (or a delegated function). It also gives I&S Committees the power to make recommendations on “matters which affect the Authority’s area or the inhabitants of that area”.
- Powers to “call-in” a decision of the Executive to be reconsidered.
- Councillor Call for Action, which allows Councillors to raise issues of local concern where all other means of resolution have been exhausted.
- A duty to scrutinise flood risk management.
- Provisions to allow for the establishment of joint I&S Committees.

Local authority powers to scrutinise community safety partnerships are included in the Police and Justice Act 2006.

Arrangements to hold the democratically elected Police and Crime Commissioner to account, in each Police Force Area, are contained in the Police Reform and Social Responsibility Act 2011. This scrutiny role is carried out by the Police and Crime Panel composed of locally elected councillors and some lay members.

The Health and Social Care Act 2012 places the responsibility for health scrutiny on upper-tier local authorities themselves (as opposed to

placing the responsibility, specifically, on their Health Scrutiny Committees). The responsibilities extend to scrutinising “health service providers” – including Clinical Commissioning Groups - as well as “NHS bodies”

1.2 The County Council’s Constitution

The Constitution sets out the basic rules which govern the Council’s business and details how the Council will operate, how decisions are made and the procedures which should be followed to ensure these are efficient, transparent and accountable to local people. Some of these processes are required by law, while others are a matter for the Council to choose.

Article 1 of the Constitution commits the Council to efficient delivery of services in an open and accountable system of government. Articles 2-16 explain the rights of the citizen and how the key parts of the Council operate. Specifically, Article 6 relates to the work of Improvement and Scrutiny and Article 15 details types of decision making.

The Constitution also contains details about Standing Orders, which set out the rules of procedure to which the Council works. The custodian of the Constitution is the Monitoring Officer, a position which is held by the County Secretary.

A copy of the Constitution may be accessed electronically by going to the following web page:

http://www.derbyshire.gov.uk/council/council_works/constitution

Section 2: Role of the Council, Cabinet and Scrutiny

2.1 Full Council

The Constitution and in some cases the law, stipulates that some decisions can only be taken by the full Council. These include:

- Adopting and changing the Constitution;
- Approving or adopting the policy framework and the budget;
- Appointing the Leader;
- Agreeing or amending the terms of reference for committees, deciding on their composition and making appointments to them;
- All other matters which, by law, must be reserved to Council.

A full list of decisions reserved for full Council can be found in Article 4 of the Constitution.

2.2 The Cabinet and Cabinet Portfolios

The County Council's Cabinet currently comprises six Councillors who have individual responsibility for decisions relating to their portfolios, and also collective responsibility for decisions relating to the Council as a whole when it meets. The Cabinet will carry out all of the Council's functions which are not the responsibility of any other part of the Council, whether by law or under the Constitution. A list of the responsibilities of individual Cabinet portfolio holders can be found in the Constitution.

2.3 Regulatory Committees

The Council has two Regulatory Committees:-

The Regulatory – Planning Committee

The Regulatory – Licensing and Appeals Committee.

These committees will be responsible for the functions specified in Part 3 of the Constitution.

2.4 Standards Committee

The Standards Committee undertakes a range of functions aimed at maintaining high standards of conduct by Councillors. The full list of functions is set out in Article 9 of the Constitution.

2.5 Audit Committee

The Audit Committee is responsible for approving and monitoring the Annual Audit Plan and for considering matters referred to it from the Council's external auditor.

2.6 Pensions and Investments Committee

The Pensions and Investments Committee carries out the statutory functions required of the Council which relate to the Derbyshire Pension Fund. The main responsibilities are to appoint and review the performance of Pension Fund managers and advisors as well as monitoring the overall performance of the Fund.

2.7 Improvement and Scrutiny

The majority of the remaining non-executive Members of the Council sit on the Committees which oversee the operation of the Improvement and Scrutiny function. The role of Improvement and Scrutiny, through a variety of mechanisms, is to hold the Council, Cabinet and partners to account for the decisions they take or are about to take, the services they provide as well as championing issues of local concern. This role may be undertaken by reviewing Cabinet decisions, reviewing services, reviewing and developing policies and monitoring performance.

Improvement and Scrutiny Committees operate in very much the same way as House of Commons Select Committees. Scrutiny is an open, transparent and member led process and not a process that is dominated by party political loyalties. It is not an audit process or a process which is concerned with always saving money. Primarily it is a process which drives improvements in Council services.

Cabinet Members and officers of the Council and partners can be required to provide Scrutiny with information and to attend meetings to give evidence. Scrutiny has no formal powers to force the Cabinet or partners to take on board recommendations they make, they can only seek to influence and recommend their adoption. The Council and partners must however, "have regard" to any recommendations made by Scrutiny and report back to the appropriate Improvement and Scrutiny Committee giving reasons where appropriate, why recommendations have not been adopted.

2.8 Relationship between Scrutiny, the Executive and Partners

It is important that Scrutiny, the Cabinet and partners have a positive working relationship, although it must be accepted that there will be occasions where they will not always agree on a matter. If Scrutiny is working effectively such scenarios should be rare. To be effective there

also needs to be a strong sense of trust between all parties and a confidence that Scrutiny and the Cabinet are all working to the same aim of improving local services. It is not a process which is based on confrontation and fear. To guide the working relationship between Scrutiny and the Executive, a set of Scrutiny Protocols have been produced and can be found in the Appendices (A-D) to this handbook.

2.9 What is expected of Scrutiny Members?

It is important that Scrutiny is a Member led activity. In performing duties as a Scrutiny Councillor, Members will be expected to:

- Be independent and conduct enquiries in a non-political manner;
- Develop constructive relationships with officers and other Members and representatives of partner organisations;
- Work with other Members to gather information relevant to Scrutiny reviews and the formulation of recommendations;
- Question and challenge decisions and policies robustly;
- Conduct scrutiny work on the basis of mutual trust, respect and courtesy;
- Consider objectively all options when considering scrutiny recommendations;
- Conduct scrutiny work in an open and transparent manner in line with Improvement and Scrutiny Protocols and County Council policies;
- Attend meetings of Improvement and Scrutiny Committees and Working Groups as and when required;
- Undertake training as and when required; and
- Promote knowledge of and an interest in the Scrutiny function by local organisations, groups and the wider public.

Section 3

How Improvement and Scrutiny works

3.1 Deciding what to look at

Subject areas for scrutiny work can arise from a variety of sources. Scrutiny Committees develop their own work programmes and every year Members, Chief Officers, partner organisations, local community groups and the public are invited to put forward suggestions for scrutiny reviews.

Scrutiny Committees have also agreed to look at areas of significant risk to the Council within their remits such as flooding, safeguarding children and vulnerable adults (see section 4.10). Standing working groups will be established to review these matters. Some Scrutiny work may arise out of statutory processes such as call-in and councillor call for action.

It is unlikely that Scrutiny will have the capacity to do everything that it is requested to do. Scrutiny work programmes will need to be carefully managed and co-ordinated and potential review subjects prioritised. Flexibility to cater for Councillor Call for Action (CCfA) requests and call-ins and other urgent business that may arise where the frequency is not known will need to be considered when establishing work programmes.

Scrutiny Committees could be faced with numerous competing requests from the public or outside organisations to review subjects such as anti-social behaviour in their neighbourhoods. In such cases Scrutiny will not be able to look at each individual area. However, committees may look at trends and general themes across several parishes and neighbourhoods. To assist with this process, a Work Programme Protocol has been developed, a copy of which is attached at Appendix B.

Chief Officers and Cabinet Members will be advised of any subjects for review falling within their remits and if necessary discussions will be held to discuss the proposal in more detail. The final decision as to whether to proceed with a review rests with the appropriate Improvement and Scrutiny Committee.

3.2 Deciding how to scrutinise

Once a subject for review has been identified it is necessary to decide how the review will be conducted. There is no right or wrong way. Different subject areas will warrant different approaches. Approaches include task and finish reviews, “light touch” reviews, round table stakeholder events and interviewing Cabinet Members/Chief Officers on

a specific issue at Committee. Members should however, be open to look at new and innovative ways of undertaking scrutiny work. The conduct of some scrutiny work such as call-in will be determined by processes laid down by statute and the Council's Constitution.

Again, the conduct of scrutiny work will be discussed with Cabinet Members and Chief Officers, although the final decision will be taken by each Improvement and Scrutiny Committee.

3.3 Scope of Improvement and Scrutiny work

In the majority of cases, the scope and framework of each review will be agreed at the outset following consultation with Chief Officers and Cabinet Members. It is important that Scrutiny is clear about what it is reviewing. At this stage consideration will also be given to the likely equalities issues arising from the review. There may be occasions however, such as a response to a call-in or Councillor Call for Action request, when an urgent response is required and where procedures laid down in the Scrutiny Protocol relating to the conduct of reviews cannot be followed. Even in these cases, the Scrutiny Committee should ensure that it has a clear written brief on the subject of the review.

3.4 Information Gathering

It is important that scrutiny work is well researched and evidence based. Members of Improvement and Scrutiny Committees are entitled to copies of any documents in the possession or control of the Cabinet which relate to business transacted at a meeting of the Cabinet, or any decision taken by an individual Member of the Cabinet.

Scrutiny will not be entitled to any information which is in draft form or any document which contains exempt information, unless that information is relevant to an action under scrutiny.

Improvement and Scrutiny Committees can also request Cabinet Members, senior officers of the Council or other officers to attend meetings to provide information within their remits. Officers and Members from partner organisations can also be requested to attend under the "Duty to Co-operate" established by the Local Government and Public Involvement in Health Act (LGPIH) 2007

Committees can also request people to attend meetings who have a special interest in or knowledge of a particular subject area. Where appropriate, such people could be co-opted on to the Committee or working group overseeing the review.

Scrutiny is an open and transparent process and in the majority of cases its meetings should be conducted in public. Depending on the subject matter under review, Scrutiny Members should ensure that the views of service users, other interested bodies and the public are heard. No group or individual with a genuine interest in a review topic should be precluded from participating in the scrutiny process. Where appropriate, consideration should be given as to how best to publicise scrutiny work in order to fully engage interested parties and the public in the review process. Scrutiny meetings do not have to be held at County Hall and in formal surroundings. Experience has shown that those delivering services, service users and the public can be more effectively engaged if meetings are held in less formal locations.

Scrutiny can also make use of a variety of other sources of information to evidence its work such as national reports and statistical data. Different forms of consultation such as focus groups and questionnaires can also be used. Consultation exercises should be undertaken in line with the consultation and engagement strategy and care should be undertaken to avoid duplication. Departments should always be consulted if questionnaires and surveys are to be used, as it may be practical to undertake the consultation jointly and to share the results.

3.5 Scrutiny Reports

At the conclusion of a Scrutiny review, be it a review of a service or a call-in or a Councillor Call for Action, a report with recommendations will be produced and be presented to the appropriate Improvement and Scrutiny Committee.

Following approval at/by the Improvement and Scrutiny Committee, the report will be presented to Cabinet along with an action plan. As Scrutiny has no formal powers, reports can only make recommendations seeking to influence Cabinet or Council or the governing bodies of partner organisations. Cabinet will formally respond to the Improvement and Scrutiny Committee as to whether the recommendations have been accepted or otherwise. Where recommendations have not been accepted, the Cabinet or partner organisations will provide a written response as to the reasons.

There may be occasions where the Members undertaking a review simply cannot agree on the outcome. In these circumstances, the Constitution allows for a “minority” report to be prepared and submitted alongside the “majority” report.

3.6 Implementation Reports

At six monthly intervals, (or other such time as agreed between the Improvement and Scrutiny Committee and Chief Officers, Cabinet Members or partners), an implementation report, detailing progress against the action plan, will be produced.

Section 4

Key Areas of Improvement and Scrutiny Work

4.1 Reviews of service areas

Improvement and Scrutiny conducts much of its work by undertaking reviews into specific subject areas. These reviews can be comprehensive in-depth reviews or light touch reviews which are shorter in duration and less complex.

4.2 Reviewing County Council Budgets, Policies, Plans and Strategies

Certain major plans and strategies making up the policy framework are set out in law and the County Council is required to consult Scrutiny when developing or reviewing them. The current statutory list is set out below:

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

In addition to the statutory policy framework documents there are other plans and strategies on which Scrutiny may wish to have an input. In these cases, Scrutiny will be consulted at the outset of the process as to the extent of its involvement.

The procedure for involving Scrutiny in the development of plans and strategies is laid down in the budget and policy framework procedure rules in the County Councils' Constitution. It allows for Improvement and Scrutiny Committees to be consulted on the development of such policies and plans for a period of not less than 6 weeks. Ideally, Scrutiny should be consulted on these documents at the very outset of the process in order to maximise the input of Members in their development.

The same procedure should be adopted in terms of consulting with Scrutiny over the setting of the County Council budget.

4.3 Key Decisions

A Key Decision is defined in the Constitution as a decision which is likely:

- to result in the authority incurring expenditure which is, or making savings which are, significant having regard to the authority's budget for the service or function to which the decision relates; or
- to be significant in terms of its effects on communities living or working in an area comprising two or more electoral divisions in Derbyshire.

The County Council has defined a key decision as one that will involve the Council in spending or saving £500,000 or more. More modest plans for spending or saving are regarded as key where they are likely to have a significant effect on communities in two or more electoral divisions.

A notice of a Key Decision is published on the Council's website, at least 28 days before the decision is to be made, if the matter in question meets the above criteria published on the County Council's website by the Democratic Services Section.

If an Improvement and Scrutiny Committee thinks that a key decision has been taken which was not:

- Included in a notice; or
- The subject of the general exception procedure; or
- The subject of an agreement with a relevant Improvement and Scrutiny Committee Chairman, or the Chairman/Vice Chairman of the Council under Rule 16 of the Constitution.

The committee may require the Cabinet to submit a report to the Council within such reasonable time as the committee specifies. The power to require a report rests with the committee, but is also delegated to the proper officer, who shall require such a report on behalf of the committee when so requested by the Chairman or any five Members. Alternatively the requirement may be raised by resolution passed at a meeting of the relevant Improvement and Scrutiny Committee.

The relevance of a Notice of a Key Decision to Scrutiny is that the notice allows a Key Decision to be identified and scrutinised prior to the decision being taken. It gives Scrutiny the opportunity therefore, to shape local policies and services.

4.4 Call-In

Call-in is a mechanism through which Members can seek the review of a decision made by the Cabinet, Cabinet Member or a key decision taken by an officer under delegated powers, which they feel has not been handled in accordance with the principles of decision making set out in Article 15 of the Constitution.

When a decision is taken a record of the decision must be made. This is called the Decision Digest and this is dated and published on the County Council's website as soon as is practicable following the meeting. Decisions taken must not be acted upon until the expiry of five working days following the date on the decision digest.

This is to allow time for the decision to be called in. To do this, four Elected Members, at least two from two political groups must give notice to the County Secretary requesting a call-in of that decision. At this point the Elected Members making the request will be invited to give their reasons in writing. Once the five day period has expired, officers are free to act on the decision. If a decision is called-in, no action shall be taken to implement the decision until after the matter has been considered by Scrutiny. Scrutiny can either decide that no further action is required which means that the decision can be implemented. Alternatively, Scrutiny can request that the decision maker reconsiders their position on the matter, or refer the matter to full Council.

In cases of urgency where the decision taken needs to be implemented prior to the expiration of the call-in period, the Constitution allows for the call-in period to be waived, provided there is sufficient reason and that the appropriate Improvement and Scrutiny Chairman has agreed to the request. The Chairman of the appropriate Improvement and Scrutiny Committee should agree both the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. A summary of all requests to waive call-in will be presented to full Council, including details for the reasons for urgency.

4.5 Councillor Call for Action

Councillor Call for Action (CCfA) is a mechanism intended to assist Councillors to resolve issues on behalf of their residents which are of local concern to an individual or small group. It should be distinguished from general ward issues which Councillors will also deal with on a regular basis. These are issues which would tend to be one-off and minor issues such as an individual complaint about a pot hole or a street light being out of action.

CCfA should only be used when all other means of resolving an issue have been exhausted. The decision as to whether to proceed with a matter as a CCfA request rests with the Councillor, although officers will be able to offer advice and support. When a CCfA request is made, an officer will be identified to act as a lead and to provide the Councillor with all the relevant information regarding the matter. If at the end of this stage the Councillor is not satisfied with the outcome, he/she can refer the matter to Scrutiny for their consideration. Scrutiny will consider each CCfA request on its merits based on the facts of the issue before deciding whether or not to review the matter.

It is important that CCfA issues are logged and managed effectively. The County Council has developed a process for dealing with CCfAs managed by the Democratic Services Section, a copy of which is attached at Appendix C.

4.6 Performance Monitoring

Improvement and Scrutiny Committees receive regular reports on the performance of the Council. Committees can use this information to identify areas of performance which they can review and make recommendations to bring about improvements.

4.7 Scrutiny of Health Services

Since 2001, Local Authorities with a Social Services function have had the power and responsibility to scrutinise the planning, provision and operation of Health services. Under legislation introduced in recent years, commissioners and providers of publicly funded health and social care are subject to statutory scrutiny by the Improvement and Scrutiny – Health Committee (more commonly known as the “Health Scrutiny Committee”). The Committee can challenge and ask questions on health services in the county.

The Committee also considers and responds to any consultations by NHS Commissioners which involve a substantial development, or substantial change, in the provision of Health services in the Derbyshire area. Substantial changes (or reconfigurations) of services are;

- The permanent removal of a service
- The permanent off-site relocation of a service
- The temporary removal or relocation of a service (one month or more)

The Committee regularly requests commissioners and providers of Health Services to attend Health Scrutiny Committee meetings – which are open to the public – and provide information about Health service

strategies, plans, budgets and activities. It also undertakes “task and finish” reviews of certain areas of health service provision where particular issues or concerns are referred to the Committee.

4.8 Scrutiny of Risk

There are certain areas of County Council activity where problems or failures in the service could have significant and potentially catastrophic consequences for the Council and its citizens. Each Improvement and Scrutiny Committee has identified these areas of high risk within their remits and has established standing working groups to oversee their scrutiny. The appointment of standing working groups will allow Members to gain a degree of specialist knowledge and understanding of the subject area to enable them to challenge where necessary, current policies and practices.

Given the high profile nature of these risk areas, the standing working groups will need to report and make recommendations to Cabinet and partners on a regular basis and this will be done in line with agreed practice. Each standing working group will produce an annual report summarising their activities and the recommendations they have made.

4.9 Petitions

The Local Democracy, Economic Development and Construction Act 2009 introduced a role for Scrutiny in dealing with petitions.. If a petition presented to the County Council contains more than 3,750 signatures, the relevant Chief Officer (or their nominee) is required to give evidence at a public meeting of the Council’s appropriate Improvement and Scrutiny Committee,. In addition if a petition organiser feels that the Council has not dealt with their petition properly, they have the right to request that the relevant Improvement and Scrutiny Committee reviews the steps that the Council has taken in response to the petition.

4.10 Scrutiny and Equality and Diversity

Local Authorities have a public duty to promote equality. Under this general duty the Council must have due regard when making decisions about the need to:

- Eradicate unlawful discrimination, harassment and victimisation and carry out reasonable adjustments in employment and when delivering services.
- Advance equality of opportunity for people who belong to a protected characteristic group (age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief including non-belief, and sexual orientation).

- Promote good relations between people who belong to a protected characteristic group and those who do not. Scrutiny has a key role to play in ensuring that Councils meet the requirements set out in the Equality Act 2000

The role of scrutiny in considering equality and diversity issues is not solely limited to scrutinising specific policies or service delivery; the equality and diversity implications of any issue will be considered in all reviews. This will initially take place at the scoping report stage, and then a proportionate approach will be taken to considering issues throughout the review. Depending on the issue being reviewed it may be deemed appropriate to seek advice from a specialist equality practitioner.

Section 5

Improvement and Scrutiny Committees

5.1 Improvement and Scrutiny Management Committee

In order that decisions can be taken on issues which fall outside of the remit of individual Improvement and Scrutiny Committees, an Improvement and Scrutiny Management Committee has been established. The Committee will for example, agree the protocols and any scrutiny guidance which relate to the function as a whole.

The Committee is made up of 8 Elected Members based on the political balance of the County Council. The Chairman of the Committee is Councillor Clive Moesby. It does not have a set programme of meetings but meets as and when necessary. A copy of the terms of reference of the Committee is attached at Appendix D.

5.2 Improvement and Scrutiny Committees

The County Council discharges its Scrutiny function through four Improvement and Scrutiny Committees each of which have specific areas of responsibility. The four Improvement and Scrutiny Committees are:

Improvement and Scrutiny Committee – Health

Chairman Councillor Sean Bambrick, Vice-Chairman Councillor Marian Stockdale.

The work of the committee is to review and scrutinise any matter relating to the planning and provision of health services in Derbyshire:

Improvement and Scrutiny Committee – Resources

Chairman Councillor Clive Moesby, Vice-Chairman Councillor Kath Lauro

The work of the committee covers the following areas:

Finance and Management	
Budget Strategy	Financial Management
Asset Management	Efficiency/Value for Money including service re-design, property rationalisation, council transport co-ordination
Procurement	Personnel (including Single Status
Legal Services	Members Services
Regeneration	
Strategic Planning	Local planning frameworks
Local economic assessment	HCA single conversation
Community infrastructure levy	Economic development
DDEP single programme	Creative industries programme
Markham Vale	Credit crunch programme
Related external funding	Minerals and waste planning
Leader's Portfolio	
Council Strategic Policy	Community Strategy and Council Plan
Derbyshire Partnership Forum	CAA/LAA
External Relations	Regional Leadership (9 c's Leadership Group)
Public Relations	Policy and Research

Improvement and Scrutiny Committee – People

Chairman Councillor Diane Charles , Vice-Chairman Councillor John Frudd.

The work of the committee covers the following areas:

Education	
School Capital Planning/Programmes	Surplus Places
School Support	School Admissions
School Improvement	Governor Support
Home to School Transport	Special Educational Needs
Adult Education	Connexions
FE Colleges	Links to faith schools
Young People	
Improving outcomes for young people	Children's Services Planning
Multi-agency partnerships	Safeguarding
Children's disabilities	Engagement with young people
Engaging parents/carers in service design	Youth Service
Early Years & Childcare	Children's Centres
Adult Care	
Home care	Residential care
Day care	Supporting people
Safeguarding	Adults with learning difficulties
Adults with physical disabilities	Adults with mental ill-health
Personalisation	Reducing health inequalities
Welfare rights	Links with health and voluntary sector
Multi-agency partnerships	Residential care

Improvement and Scrutiny Committee - Places

Chairman Councillor Kevin Gillott, Vice-Chairman Councillor Michelle Booth

The work of the committee covers the following areas:

Communities	
Community leadership/consultation	Crime and disorder partnerships
Youth offending	Domestic violence
Action on drugs	Trading standards
Emergency planning	Travellers
Community cohesion	Social inclusion
	Parish council liaison
Culture	
Libraries, museums, arts and heritage	Archives and modern records
Sports development	Tourism
Historic buildings	Voluntary sector
	Highways and bridges
Street lighting	Public footpaths
Public transport	Road safety
Community transport	Schools and special needs transport
The countryside	
Technology and recycling	
Local planning frameworks	Core systems
IT services	Climate change
Carbon management	Minerals and waste planning
Waste management	Land reclamation

5.3 The Scrutiny Team

The Scrutiny Team is made of three Improvement and Scrutiny Officers who are based in Room 108 at County Hall. The team is led by the Democratic Services and Registration Manager. The relevant contact details are as follows:

Jackie Wardle Improvement and Scrutiny Officer
(I & S Committee-Health; I & S Committee-Resources)
Direct Dial: 01629 538247
Internal: 38247
Email: jackie.wardle@derbyshire.gov.uk

David Rose Improvement and Scrutiny Officer
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Roz Savage Improvement and Scrutiny Officer
(I & S Committee Places)
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Roy Ackrill Democratic Services and Registration Manager
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Section 6

Protocols and Further Information

Appendix A	Improvement and Scrutiny Protocol
Appendix B	Protocol for determining Improvement and Scrutiny Work Programmes
Appendix C	Councillor Call for Action – A guide for Derbyshire County Councillors
Appendix D	Scrutiny Management Committee – Terms of Reference

Improvement and Scrutiny Protocol

1 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;
- 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 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 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 the 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 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 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 public are excluded in accordance with the legal provisions concerning access to information.

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 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:

- Any document that is in draft form;
- 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 Reports by Scrutiny

7.1 When a review proposal is put forward, the Improvement and Scrutiny (I & S) Officer will inform;

- The Chair of the Scrutiny Management Committee
- The Chair/Vice-Chair of the appropriate I & S Committee(s)
- The Strategic Director(s) of the department(s) on which the review will impact
- The appropriate Cabinet Member(s) whose portfolio responsibilities may be affected by the review

Strategic Directors/Cabinet Members will be asked to submit their comments on the proposals (see 2 below), usually within 2 weeks.

7.2 Comments received will be considered by the Scrutiny Management Committee which will decide if, and when, the review will be undertaken. If the proposed review is not accepted – or its commencement is deferred – the proposer will be notified and given reasons for the Management Committee's decision.

7.3 Once a review is agreed it will be included in the work programme of the appropriate I & S Committee. At this stage, Strategic Directors/Directors will be asked to nominate a lead

officer from their Department with whom the (I & S) Members and Officers will work during the course of the review. Relevant Cabinet Members and Strategic Directors/Directors will be consulted on the content of the scoping report..

7.4 A scoping report will be prepared in respect of the review and presented to the appropriate I & S Committee. This report will identify the timescales for the review and the details of where and from whom the review working group intend to gather evidence. Cabinet Members/Strategic Directors/Directors and Departmental Lead Officers will be consulted on the scope of the review. Any proposed deviations from the agreed scope of the review will be discussed with the Cabinet Member/Strategic Director/Lead Officer.

7.5 During the review, progress reports will be submitted to full I & S Committees updating Members on the research and findings of the review working group to date and giving details of further proposed work.

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7.6 The I & S Officer supporting the review will ensure that the appropriate departmental Lead Officers and Strategic Directors are consulted as to the accuracy and technical details of progress reports.

7.7 The I & S Committee Chair (or Chair of review working group) will ensure that the appropriate Cabinet Members are kept informed of progress of each review.

7.8 The I & S Officer will prepare the final report in consultation with the members of the review working group. Cabinet Members, Strategic Directors, Departmental lead officers and other relevant officers who have contributed to the review will be provided with a draft of the report in order that they have the opportunity to comment. In cases where there is an issue over the wording of the report, it may be necessary to convene a meeting to resolve matters. It should be noted, however, that the final say over the wording of I & S reports rests with the I & S Chair

7.9 Following approval by the appropriate I & S Committee, the final report (normally including a draft action plan) will be submitted to the next Cabinet meeting (or Full Council, if the subject matter relates to a non-executive function) and presented to the meeting by the Chair of the Committee. Cabinet will be invited to consider the report.

7.10 The Local Government Act 2000 (and the Council's Constitution) states that the Cabinet should, usually within two months, respond to the appropriate I and S Committee, confirming acceptance or otherwise of the report's recommendations and also setting out an action plan for implementation. To avoid delay in implementing recommendations, Cabinet will be invited to indicate at the meeting to which the final Scrutiny report is submitted, which of the recommendations it accepts or rejects. Cabinet retains the right, however, to consider recommendations further and respond to the I & S Committee within the two month period.

7.11 Where report recommendations are not accepted, the response from Cabinet to the I & S Committee should include the reasons why the recommendations have not been accepted.

7.12 I & S Committees will monitor the implementation of action plans approved by Cabinet. The timescales for the submission of monitoring reports will be agreed following discussions between the I & S Chair, I & S Officers, the Cabinet Member and the Strategic Director/Lead Officer.

7.13 Should questions arise over any aspect of a review, the Chair of the I & S Committee will liaise with the appropriate Cabinet Member/Strategic Director/Lead Officer to resolve the situation. The Chair of the I & S Management Committee should be kept informed and may contribute as necessary.

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 15 (decision-making). Call-in should however, only be used in exceptional circumstances.

9.2 To initiate call-in four Elected Members, at least two from two political groups must give notice to the County Secretary requesting a call-in of that decision. At this point the Elected Members making the request will be invited to give their reasons in writing. 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 15(2) of the Council's Constitution namely:

- Proportionality (i.e. the action must be proportionate to the desired outcome);
- Due consultation and the taking of advice from officers;
- Respect for human rights;
- A presumption in favour of openness; and
- 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 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's 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 Chairman, 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 Chairman 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 Chairman 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 Chairmen that the majority of decisions should be planned sufficiently in advance to ensure that such requests are kept to a minimum.

11 Notice of Key Decisions

11.1 The Council's Constitution sets out the procedure for giving notice of key decisions including those relating to general exceptions and special urgency.

11.2 Again, it is the expectation of the Improvement and Scrutiny Committee Chairman that the majority of decisions should be planned sufficiently in advance to ensure that such requests are kept to a minimum.

12 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, the Scrutiny Committees be engaged wherever possible, from the outset of the process.

13 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 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 Chairmen 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 with the appropriate Cabinet Member(s). References should be made to the role of Scrutiny where appropriate.

15 Review of the Protocol

15.1 The protocol will be reviewed annually.

Protocol for Determining Improvement and Scrutiny Work Programmes

1 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.

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 into 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 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:

- Chief Officers
- Referrals from the Executive
- Partner organisations

- Other local organisations such as Parish Councils
- Members of the public

3 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 improvement targets;
-

4 Criteria for rejecting reviews

The final decision on whether to 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.

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 that 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.

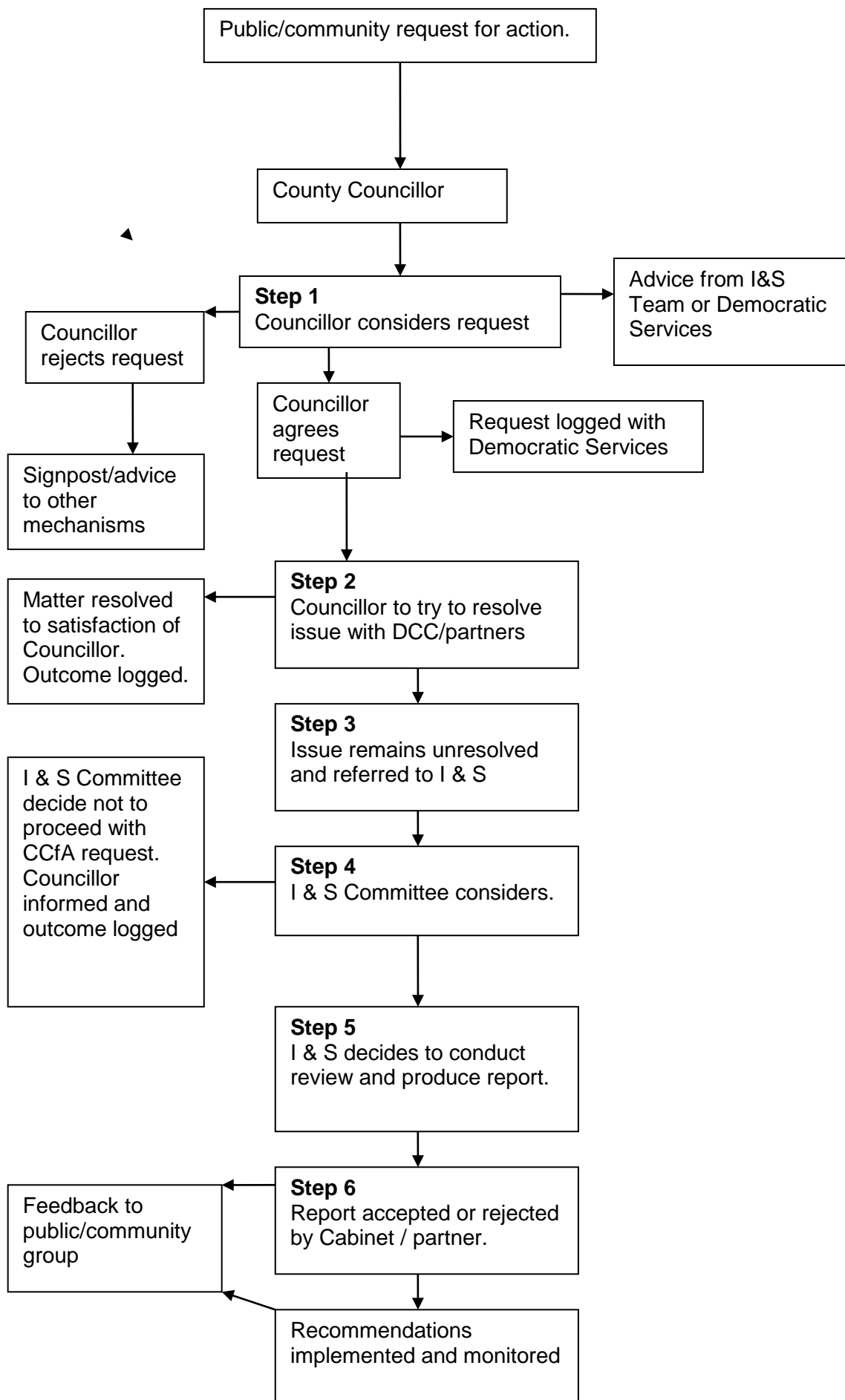
- **STEP 5** If the Committee determines that the matter warrants further investigation, a review will be conducted and a report, including recommendations will be produced.
- **STEP 6** The report will be presented to Cabinet (or the governing body of a partner organisation) which may or may not accept 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 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.



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.

