



SCRUTINY TASK GROUP PROTOCOL

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Section 1: GENERAL PRINCIPLES

1. Background

The Council's Constitution sets out the principle that Overview and Scrutiny should foster and encourage an approach which is:

- (a) Inclusive
- (b) Structured
- (c) Non-adversarial
- (d) Reliant on evidence rather than anecdote

2. Task Groups

The Overview and Scrutiny Management Committee has the power to establish small non-executive member working groups to undertake and report back on specific service reviews assigned to them. Task Groups differ from traditional Committees in that they are time limited and charged with investigating specific service areas and making suggestions on how they can be improved. The Overview and Scrutiny Management Committee when considering its programme of work decides on which Task Groups are needed, their remit and membership.

One of the key advantages of the scrutiny process is that it gives the opportunity for members to hear directly from officers, interested or affected people, and expert witnesses. It allows Task Groups to question them and to gain a wider understanding of the issue and hence arrive at informed solutions.

The Scrutiny Task Group members at their first meeting will agree a project plan for the review assigned to them. In conducting the scrutiny review, Task Groups can hold enquiries and investigate the available options for future direction in policy development and service delivery and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so.

The Council's Constitution sets out the principle that Scrutiny Task Groups will aim to:

- (1) Consider and implement mechanisms to encourage and enhance community participation policy options.
- (2) Question members of the executive and chief officers, about their views on issues and proposals affecting the area.

- (3) Liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.
- (4) Question members of the executive and chief officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects.
- (5) Make recommendations to the Overview and Scrutiny Management Committee
- (6) Question and gather evidence from any person (with their consent).
- (7) If open to the public, ensure that there shall be provision for members of the public to ask questions of the chairman or of members of the executive, or make a statement.

3. Access to Documents

The Councils Constitution sets out Overview and Scrutiny Bodies access to documents as follows:

- (i) Overview and Scrutiny Bodies are entitled to copies of any document which is in the possession or control of the executive and which contains material relating to:
 - (a) Any business transacted at a public or private meeting (i.e. non-key decision making meeting) of the executive or its Committees; or
 - (b) Any decision taken by an individual member of the executive
 - (c) The Chairman of an Overview and Scrutiny body will be entitled to foresight of papers in relation to private decisions of the executive before the decision is made.
- (ii) Rights of Overview and Scrutiny Committee Members to documents:
 - (a) In addition to their rights as councillors, members of the Overview and Scrutiny Committee have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules as set out in Part 4 of the Councils Constitution.
 - (b) Nothing in this paragraph prevents more detailed liaison between the executive and Overview and Scrutiny Committee as appropriate depending on the particular matter under consideration.
- (iii) An overview 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; or

(c) The advice of a political adviser.

4. Final Reports of Scrutiny Task Groups

Following any investigation or review a task group shall prepare a report for submission to the Overview and Scrutiny Management Committee for final endorsement, and referral to executive and/or Council as appropriate. Task Groups shall also make the report and findings public.

The intention is that all the voting members of task groups will unanimously agree the report arising from a scrutiny review. However on occasion a minority report(s) may be prepared representing alternative views.

5. Substitutions

No member substitutions are allowed for scrutiny task group meetings.

The Overview and Scrutiny Management Committee have agreed that it would be inappropriate to allow substitutions to take place for the following reasons:

- Members are appointed to task groups by the Management Committee on the basis of experience, interest and availability.
- Task groups by their nature are small, focused and time limited. Members gain in-depth knowledge on a single topic during over a series of meetings before reaching a conclusion.
- It would be difficult (and potentially disruptive) for a new member to enter the arena part way through the scrutiny process.
- It would be inappropriate to allow political groups to make substitutions as the members are appointed to task groups in the first instance on the basis of being the best person for the job.

Section 2: The Role of Members and Officers

(i) The Role of Members on Scrutiny Task Groups.

- (a) Members are responsible for setting the agenda.
- (b) The role of Members of Task Groups is separate and distinct from the Cabinet's decision making one.
- (c) The Cabinet's decisions, policy ideas and proposals are challenged by the Members sitting on the Scrutiny Task Groups.
- (d) Members have a different relationship with officers.
- (e) The report is prepared after hearing and debating written and oral evidence and coming to conclusions.

(ii) The Role of Officers on Scrutiny Task Groups

There are a number of important differences that officers should bear in mind

- (a) Task groups are member led and members control the direction of the work programme.
- (b) Scrutiny officers are there to assist in gathering evidence and providing advice as required by Councillors. Officers do not make recommendations – that is for members to do.
- (c) Officers will be invited to attend task group meetings due to their significant experience of and involvement in the issue being considered.
- (d) It will be helpful for officers to prepare a written brief that can be combined with their oral evidence when asked to attend a task group meeting.
- (e) Officers giving advice (particularly those supporting the scrutiny function) need to be able to do so impartially and with impunity.

It is recognised that some officers may have concerns that they will be placed under inappropriate pressure at Task Group meetings. Negative questioning and an accusatory atmosphere will lead to defensive walls being built. Scrutiny reviews need to be conducted with mutual respect and trust.

Section 3: Members and Officers Giving Account

The Councils Constitution states that the Overview and Scrutiny Committee, Sub-Committees and Task Groups may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any member of the executive, the head of paid service, and/or any first or second tier officer to attend a meeting to explain in relation to matters within their remit, namely:

- (1) Any particular decision or series of decisions;
- (2) The extent to which the actions taken implement Council policy and/or their performance;
- (3) Where any member or officer is required to attend an overview and scrutiny committee, sub-committee or task group under this provision, the chair of that committee will inform the Director of Corporate Services. The Director of Corporate Services shall inform the member or officer in writing giving at least 10 working days notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the committee. Where the account to be given to the committee will require the production of a report, then the member or officer concerned will be given sufficient notice to allow for preparation of that documentation.
- (4) Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the overview and scrutiny committee/body shall in consultation with the member or officer arrange an alternative date for attendance to take place within a maximum of 28 days from the date of the original request.

On occasion there may be benefits in talking to ‘front-line’ staff to get a detailed and comprehensive insight in an area of service delivery. In the event of a dispute between the Task Group and a Director over the appropriateness of an officer attending, the Chairman of Overview and Scrutiny Committee and the Chief Executive will resolve the matter.

Section 4: External Witnesses & Advisers

External Witnesses

An overview and scrutiny committee may invite any person to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and representatives from other external organisations and shall invite such people to attend.

The participation of external organisations and individuals in the scrutiny process is fundamental to ensure that each scrutiny review achieves a balanced perspective. It is vital that local people and community interests have an opportunity to have their say and that Members hear their views. Collectively, this brings an in-depth day-to-day knowledge of subjects which is invaluable.

Where Task Groups conduct investigations they may also ask people to attend to give evidence at meetings which are to be conducted in accordance with the following principles:

- (a) That the investigation be conducted fairly and all members of the committee be given the opportunity to ask questions of attendees, and to contribute and speak;
- (b) That those assisting the committee by giving evidence be treated with respect and courtesy; and
- (c) That the investigation be conducted so as to maximise the efficiency of the investigation or analysis.

External Advisers

External Advisers provide expert knowledge and a valuable independent perspective on the policy or service being examined as part of a scrutiny review.

An independent perspective can be achieved by either **co-opting** a specialist on to the Task Group for the period of the review or by appointing an **external adviser**.

(a) Co-optees

Co-optees sit alongside other members of the Task Group and are able to hear evidence, ask questions and contribute to the findings. They are appointed because of their specialist knowledge and/or expertise. Co-optees do not have voting rights.

(c) External Advisers

An adviser's role is to act as a facilitator to help members draw together meaningful conclusions from the evidence they have been given.

An adviser's activities could include:

- Helping the panel to identify appropriate officers and witnesses
- Assisting the panel in developing lines of enquiry
- Commenting on the evidence presented
- Contributing to the training of Members

Section 5: WITNESS PROTOCOL

Protocol for all Witnesses (Officers, Members and External)

The Task Group will normally formally invite witnesses to a meeting after consideration and agreement at the project planning stage.

- There is no pre-set maximum to the number of witnesses.
- The Council appreciates the time and commitment made by external witnesses and will show all witnesses courtesy and respect at all times.
- Questions should be asked one at a time and witnesses should be given sufficient time to answer questions without feeling harassed or under pressure to give answers.
- Members of Scrutiny Task Groups will hear evidence from witnesses in an impartial manner and without passing judgmental comments.
- Prior to the meeting, witnesses should receive information on the background to the scrutiny review and the area of questioning.
- In order to help the Task Group do its job, contributors should present their evidence whether written or oral, in a concise clear, jargon free manner. Initials and acronyms should be avoided wherever possible.
- Where possible, witnesses should also be provided with the opportunity to provide a written submission. If received in advance of a meeting, questions of clarification will be possible.
- Following the meeting, witnesses may be asked to provide written documentation to support the answers and views that they have given.
- Any questions from either officers or external witnesses will be directed through the Chairman at all times. The Chairman will have final discretion on any questions put forward.
- Any written documentation must be submitted at least **48 hours prior** to a Task Group meeting taking place.

Notes for Chairman

Because of the relative informality of Task Group meetings, and the evidence gathering nature of much of the discussion, chairing the meetings involves different skills from those required by traditional committee meetings. The Chairman will have discretion at all times and will need to ensure that all members are clear about the purpose of the meeting, and given the opportunity to pursue a line of questioning – via a number of supplementary questions if necessary.