

Joint Scrutiny Board -Task Group Protocol

Section 1: General principles

Background

Task groups differ from traditional committees in that they are generally time limited and charged with investigating specific service areas and making suggestions on how they can be improved. 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 findings and recommendations.

Task groups

The Joint Scrutiny Board has the power to establish small non-executive member working groups made up of members from all five councils to undertake and report back on specific reviews assigned to them. The Board will decide on which task groups are needed, their remit, and membership.

The task group members at their first meeting will agree a project plan for the review assigned to them. In conducting the review, task groups can hold enquiries and investigate the available options 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.

Task groups will aim to:

- Question members and officers about their views on issues and proposals.
- Liaise with other relevant external organisations operating in the area, whether national, regional or local.
- Question members and chief officers about their decisions and performance.
- Make recommendations to the Joint Scrutiny Board
- Question and gather evidence from any person (with their consent).
- 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.

Access to documents

The Joint Scrutiny Board and its task groups are entitled to copies of any document which is in the possession or control of the Implementation Executive or work stream boards and which contains material relating to:

- Any business transacted at a public or private meeting (i.e. non-key decision making meeting); or

- Any decision taken by an individual member of the Implementation Executive or work stream
- The chairman will be entitled to foresight of papers in relation to private decisions of the Implementation Executive before the decision is made.

In addition to their rights as councillors, members of the Board and its task groups 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 5 of the County Council's Constitution.

Nothing in this paragraph prevents more detailed liaison between the Implementation Executive or the work stream boards and the Joint Scrutiny Board and its task groups as appropriate depending on the particular matter under consideration.

The Board and its task groups 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 intend to review; or
- The advice of a political adviser.

Final reports of task groups

Following any investigation or review a task group shall prepare a report for submission to the Joint Scrutiny Board for final endorsement, and referral to the Implementation Executive or work stream boards 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.

Substitutions

No member substitutions are allowed for task group meetings. It has been agreed that it would be inappropriate to allow substitutions to take place for the following reasons:

- Members are appointed to task groups by the Joint Scrutiny Board 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 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

The role of Members on task groups

- Members are responsible for setting the agenda.
- The role of members of task groups is separate and distinct from the Implementation Executive's decision making one.
- The Implementation Executive's decisions, policy ideas and proposals are challenged by the members sitting on the task groups.
- Members have a different relationship with officers.
- The report is prepared after hearing and debating written and oral evidence and coming to conclusions.

The role of officers on task groups

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

- Task groups are member led and members control the direction of the work programme.
- 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.
- Officers will be invited to attend task group meetings due to their significant experience of and involvement in the issue being considered.
- 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.
- 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: reviews need to be conducted with mutual respect and trust.

Section 3: Members and officers giving account

The Joint Scrutiny Board and its task groups may scrutinise and review decisions made or actions taken in connection with the transition process. As well as reviewing documentation, in fulfilling its role, it may require any member of the Implementation Executive, work stream board, 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:

- Any particular decision or series of decisions;
- The extent to which the actions taken further the transition process.

Where any member or officer is required to attend a meeting under this provision, the chair of that meeting will inform the appropriate work stream board/ Implementation Executive. They 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.

Where the account to be given 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.

Where, in exceptional circumstances, the member or officer is unable to attend on the required date, the 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 the executive over the appropriateness of an officer attending, the Chairmen of the Joint Scrutiny Board and the Implementation Executive will resolve the matter.

Section 4: External witnesses and advisers

External witnesses

The Joint Scrutiny Board or its task groups 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 process is fundamental to ensure that each 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:

- That the investigation be conducted fairly and all members of the task group be given the opportunity to ask questions of attendees, and to contribute and speak;
- That those assisting the task group by giving evidence be treated with respect and courtesy; and
- 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 issue 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. 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

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.

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 Board 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 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 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 need to ensure that all members are clear about the purpose of the meeting, and are given the opportunity to pursue a line of questioning – via a number of supplementary questions if necessary.