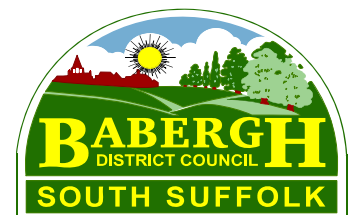


# Babergh

District Council



# Overview and Scrutiny Handbook



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# Introduction

## 1.1 Who is this handbook for?

This handbook is a guide for Councillors and Officers at Babergh District Council on how to carry out Overview and Scrutiny, and may also be useful to anyone with an interest in what Babergh District Council's Overview and Scrutiny Committees do.

Please read this guide together with the Council's Constitution, which contains the operating procedures, scope and protocols for the Council's Committees.

## 1.2 What is this handbook for?

This handbook will help Members and Officers understand how the Committees carry out their work, and what role both Members and Officers play in Overview and Scrutiny.

The sections in this handbook look at:-

- The principles for carrying out Overview and Scrutiny
- The mechanics of Overview and Scrutiny at Babergh District Council
- A guide for Members on their role
- A guide for Officers on their role

## Further Information

If you would like any further information about this Handbook, or Overview and Scrutiny at Babergh District Council, please contact:

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# ■ What is 'Overview and Scrutiny'?

**“Overview and Scrutiny is potentially the most powerful and exciting element of the entire local government modernisation process”.**

The Development of Overview and Scrutiny, ODPM, September 2002

Overview and Scrutiny is part of the new way in which local government works. The Local Government Act 2000 (LGA 2000) replaced traditional committee-based decision-making and at Babergh District Council new “streamlined” decision making arrangements were put in place.

To balance the new arrangements, the LGA 2000 introduced Overview and Scrutiny. Its job is to ensure that decision-making is efficient, transparent and accountable, and that the Strategy Committee makes the best decisions in the interests of the people in the Babergh District. Councils must have at least one Committee to carry out the Overview and Scrutiny function, whose Members must not be on the Strategy Committee.

Babergh District Council has two Committees which carry out Overview and Scrutiny. They are the Overview and Scrutiny (Stewardship) Committee and the Overview and Scrutiny (Community Services) Committee. Paragraph 3.4 sets out the terms of reference of the two Committees.

## 2.1 The LGA 2000

Overview and Scrutiny Committees must:-

- be given the power to review or scrutinise decisions or actions taken in respect of any function of the Council, apart from Planning and Licensing decisions,
- be given the power to make reports or recommendations to Council or the Strategy Committee in respect of any functions of the Council,
- be given the power to make reports or recommendations to Council or the Strategy Committee in respect of matters which affect the Local Authority's area or its inhabitants,
- meet in public except where legislation allows the press and public to be excluded,
- ensure that any Member of an Overview and Scrutiny Committee can place a matter relevant to the remit of the Committee on the agenda, and have the matter discussed at a meeting of the Committee. To enable a matter to be discussed it is essential that a Planning Assessment sheet is completed to enable the Committee to consider the matter.

Overview and Scrutiny Committees may:

- “call-in” a Strategy Committee decision and recommend that it be not implemented and reconsidered,
- make arrangements following a call-in for the Full Council to review or scrutinise a decision (when it is a Full Council responsibility).
- conduct reviews to improve the Council’s efficiency, effectiveness and value for money.
- have non-voting co-opted or additional Members,
- exclude the press and public where legislation allows,
- require Members and Council Officers to appear before an Overview and Scrutiny Committee and give evidence or answer questions.
- invite any other person or body to attend and give evidence or answer questions.

Overview and Scrutiny Committees cannot:

- undertake any functions other than those specified by the Act,
- make or implement decisions,
- include Strategy Committee Members as Members of the Committee,
- call in decisions made by full Council.

Overview and Scrutiny is not:

- an alternative to normal appeals procedures, in particular in respect of planning and development control, licensing, consents and other permissions, and should therefore not become involved in reviewing decisions on individual applications.
- a means of making a complaint against the Council. The Council's complaints procedure can be found on the Council's website at [www.babergh.gov.uk](http://www.babergh.gov.uk), or by writing to the Corporate Team at the Council Offices.

## 2.2 What are the aims and objectives of Overview and Scrutiny?

Overview and Scrutiny seeks to ensure that the Council has the best policies in place and makes the best decisions for local people. It also acts as the focus for people's concern about other public service issues in the local area, as Overview and Scrutiny can examine the work of organisations that are not part of the Council.

It is the job of Overview and Scrutiny Committees to look at the Council's decisions, policies and service delivery. They are at the heart of the principle of open and transparent decision-making in local government and the drive for greater public involvement. Local people can be involved as co-opted Committee Members, providers of evidence, or can suggest topics for review.

Overview and Scrutiny Committees cannot make decisions about policy or services, or alter those already made or prevent them being implemented. However, they can make recommendations based on evidence gathered, about how services could be better delivered, or policies changed or developed, or decisions altered. These recommendations are passed on to the Strategy Committee or Full Council as appropriate, which may accept or reject them.

### 2.3 What are the key functions for Overview and Scrutiny Committees?

There are five key functions for Overview and Scrutiny Committees:

- Holding the Strategy Committee to account;
- Policy Review;
- Policy Development;
- Best Value;
- External scrutiny.

These functions are carried out either by looking at individual decisions or whole policies and strategies. Councillors can develop new policies and look at service delivery through reviews and performance management information. Issues can be investigated in depth, or be looked at over one meeting, or be for information only.

Members of Overview and Scrutiny Committees also have the right to 'call-in' a decision. This means they may seek to challenge a decision before it is implemented and ask the Strategy Committee to reconsider.

### 2.4 What is the scope of Overview and Scrutiny?

Overview and Scrutiny Committees have a very wide range of issues they can investigate. Within the Council, the Overview and Scrutiny Committees can look at all decisions and policies, although there are rules that may require some items to be considered in private, and some decisions can be exempted from call-in. Members and Officers are required to attend meetings when invited.

As well as scrutinising Strategy Committee decisions the Overview and Scrutiny Committees also have the power to scrutinise external bodies. This can be any public, private or local organisation with or without the agreement of that body, but should be an issue that affects the authority's area or its residents. However, Committees should bear in mind that they cannot compel people from other organisations to co-operate with a review, and that the guiding principles of Overview and Scrutiny seek to avoid oppositional ways of working.

The most significant area of external scrutiny is health. Under the Health and Social Care Act 2001, the NHS is obliged to co-operate with local authority Overview and Scrutiny, and recently there has been a drive to set up joint Overview and Scrutiny Committees and define their role more clearly. Those authorities with social services responsibilities have the main Overview and Scrutiny power in this area.

### 2.5 Principles of Overview and Scrutiny

The Centre for Public Scrutiny has developed four key principles that should govern effective Overview and Scrutiny, which can be found in its Good Scrutiny Guide. They are:-

- to be a 'critical friend' in challenging Strategy Committee, other authorities and agencies,
- to reflect the voice and concerns of local people and communities,
- to lead and own the Overview and Scrutiny process,
- to make an impact on service delivery.

In practical terms, these principles can guide the ways in which Overview and Scrutiny Committees carry out their work.

### *The Critical Friend*

Overview and Scrutiny Committees should use an evidence-based method of working, on which recommendations are based. The emphasis is on constructive challenge, not opposition politics. This can be seen in how Committees conduct reviews, seeking information from as many sources as possible from a broad variety of opinions, and conducting their own research if necessary. Meetings should not be adversarial in nature but conducted in a manner that seeks out information, rather than placing blame. Ways of working will be looked at in more detail later in this handbook.

### *Reflecting the local voice*

Overview and Scrutiny seeks to involve local people in several different ways. In reviews, local people often provide evidence, sometimes in writing, or directly to Committee Members at a meeting.

Overview and Scrutiny Committees also aim to work in different ways from traditional Committees, using different venues outside the Council Offices, and more informal styles of meetings.

### *Lead and own the process*

To have meaningful reviews, the Overview and Scrutiny Committees look at issues within the context of corporate priorities, as well as trying to ensure that they do not duplicate on issues under review elsewhere.

### *Make an impact*

With an evidence-based approach, Committees can make recommendations about how services should be delivered, or how policies or decisions could change. Recommendations should be SMART, that is:-

- Specific
- Measurable
- Achievable
- Realistic
- Timely/time-specific

Committees should also ensure that recommendations are followed up, to see what has happened since they were made. However well conducted a review, it serves no purpose if it does not have an impact on how the Council and other agencies deliver services to local people.

## 2.6 What are the benefits of Overview and Scrutiny?

Overview and Scrutiny Committees:-

- provide meaningful Member oversight of service performance and continuous improvement,
- complement the work of Strategy Committee Members and Officers,
- encourage greater public involvement in political management arrangements, contributing to an improved relationship between local communities and their Council,
- develop deeper, more knowledgeable relationships with partner organisations, through involving them in the Committees' work,
- contribute significantly to local Councils' community leadership and planning role,
- help develop better informed Members, adept at investigating below the surface of policies and strategies, with the requisite skills and support.

Good Overview and Scrutiny encourages a more reflective, evaluative and evidence-based culture in decision-making throughout the Council, designed to add value by building consensus about the best course of action.

Successful Overview and Scrutiny will mean:-

- All the relevant stakeholders, partners and the public will be engaged,
- The community will benefit from effective policy development and initiatives,
- Transparency and a high level of awareness of what Overview and Scrutiny is and does,
- Non-partisan working, putting local people and their needs first,
- Better democratic decision-making, with greater public involvement, Councillor motivation and better debate,
- Open-mindedness, and an ability to challenge where necessary,
- Meaningful change in policy and services.

## 2.7 Seven Habits of Highly Effective Overview and Scrutiny

The Local Government Information Unit identified the following habits of effective Overview and Scrutiny:-

- Find new ways to work: investigate, deliberate, consult, get out of the Council Offices and don't be restricted by formal meetings.
- Find new voices: this will provide new viewpoints and generate a dialogue with Councillors.
- Recognise the role of party politics: don't let party politics control overview and scrutiny, but recognize that challenge and cooperation have a place.
- Look beyond the Council: focus on issues affecting the whole community, on non-Council services, and bringing in other organizations.
- Plan, prioritise and co-ordinate: don't duplicate the work of other Committees, reviews, and inspections.
- Build, support and find allies: amongst Members, Heads of Service and Managers and external organisations.
- Review: the effectiveness of scrutiny, learn and change if necessary.

(Taken from 'Scrutiny Solutions', Jo Dungey, LGiU, 2000)

# ■ The Mechanics of Overview and Scrutiny at Babergh District Council

Babergh District Council has two Committees which carry out the Overview and Scrutiny role:-

- Overview and Scrutiny (Stewardship)
- Overview and Scrutiny (Community Services)

These Committees carry equal weight within the Overview and Scrutiny process, although they have distinct roles.

## 3.1 Committee Membership

Each Committee must reflect the political balance of the Council. Each Overview and Scrutiny Committee has nine Members. Members of these Committees cannot be on the Strategy Committee.

## 3.2 Committee Meetings

The Committees hold timetabled meetings throughout the municipal year. The Committees can call extra meetings should they wish. The Committees develop their work programmes which are agreed upon annually by the Council. Throughout the year, the Committees monitor progress on the Work Programme and add or defer items as necessary.

## 3.3 Venues

Committee meetings normally take place in the Council Offices at Corks Lane, Hadleigh, but sometimes other venues are used which suit the nature of the topic under review or the type of meeting.

## 3.4 Terms of Reference

The Overview and Scrutiny (Stewardship) Committee:-

- Scrutinises the management of the Council's budget, borrowing, assets and audit arrangements and the provision, planning, management and performance of all Council services, best value, the Community Plan and any other Council function not otherwise exercised by the Council's other Overview and Scrutiny Committee.
- Undertakes policy and development reviews relating to the provision, planning and management and performance of (a) local democracy and the achievement of effective, transparent and accountable decision-making by the Council; (b) Corporate and Support Services; (c) Best Value Reviews relating to Corporate and Support Services.

## The Overview and Scrutiny (Community Services) Committee:

- Undertakes policy and development review in relation to (a) the provision, planning and management and performance of community safety, cultural, economic development and employment, health, housing, tourism and transport services in the Babergh District and the environment, including the planning and protection of the built environment and the countryside; (b) Best Value Reviews in relation to services referred to in (a) above.
- Scrutinises concerns referred by the regulatory Committees or included in Ombudsman reports, report of statutory inspections, reports from the District Auditor and Audit Commission and complaints received under the Council's Complaints Procedure, and the performance of other public bodies in the area on relevant issues and to invite and receive reports from them.

### 3.5 Help and Support

The Democratic and Support Services and Support Team supports the Overview and Scrutiny Committees.

Responsibilities include:

- Arranging Meetings;
- Assisting with Agenda planning and work programme co-ordination;
- Assisting with scoping and planning reviews;
- Project-managing reviews;
- Assisting Members with monitoring the progress of recommendations;
- Keeping the Council informed about what the Committees are doing;
- Advising Members, Officers and contributors about the Overview and Scrutiny process;
- Liaising with Officers across the Council about the Committees' work;
- Working with partner agencies and voluntary organisations to inform them about Overview and Scrutiny work;
- Keeping up to date with best practice in Overview and Scrutiny;
- Organising training for Members (in liaison with Members' Services);
- Running training for Officers about Overview and Scrutiny.

Senior Officers also support the Overview and Scrutiny Committees with information and reports about review subjects, appearing as contributors for reviews or the scrutiny of decisions, and providing technical advice. More information on Officers' roles in Overview and Scrutiny can be found in Chapter 6 (page 24).

# ■ How to carry out the Committees' Key Functions ■

## The Principles of Working for those involved in Overview and Scrutiny

- Investigative
- Deliberative
- Evidence-based
- Open
- Transparent
- Accountable
- Responsive
- Inclusive
- Pro-active
- Flexible
- Cross-party
- Influencing
- Determined to improve services
- Outward-looking

This chapter looks at the five key functions of Overview and Scrutiny and the ways in which they are carried out. The principles listed above should always be borne in mind when carrying out any of the functions.

### 4.1 Holding the Strategy Committee to Account

The Overview and Scrutiny Committees are responsible for examining decisions made by the Strategy Committee. The Work Plan identifies matters to be considered by Strategy Committee which have an impact within the terms of reference of the appropriate Overview and Scrutiny Committee.

Scrutiny of decisions follows the same principles as for in-depth reviews (see below).

As well as hearing from relevant Officers, Overview and Scrutiny Committees can invite external contributors to the meeting for additional information, and receive written evidence. The meeting is conducted to ensure that all available evidence is heard, and that questions focus on evidence. The Committee may make recommendations at the same meeting, or consider them at a later date to have more time to look at the evidence.

#### *Call-in*

The Overview and Scrutiny Committees are responsible for hearing 'call-ins'.

Call-in should only be used in exceptional circumstances. These are where Members of the Overview and Scrutiny Committees consider that one or more of the circumstances set out in a Protocol (Appendix 1, page 27) apply.

When a decision is made by the Strategy Committee, the decision shall be published, and may then be implemented, on the expiry of seven working days after the publication of the decision, unless it is called in.

During that period of time, a minimum of any five Overview and Scrutiny Committee Members (but not the Chairman of either Committee) may request that a decision be called-in for scrutiny by the appropriate Overview and Scrutiny Committee. The request shall be submitted to the Head of Corporate Services.

For further information on the Call-In process see the Constitution. The relevant extract from the Constitution is attached as Appendix 5 (page 35).

The call-in is then referred to the next available Overview and Scrutiny Committee meeting. The Scrutiny Committee can request additional evidence and contributors depending on the nature of the decision. At the meeting, the Committee hears from the call-in Members, and, where relevant, Senior Council Officers. If necessary, the Committee will also talk to any other interested parties or expert contributors. The Committee will then consider the decision and make any recommendations it thinks are necessary.

#### 4.2 Policy Review and Development

This is one of the most well-developed functions nationally. Policy review often leads to policy development, that is, suggestions for better service delivery or areas where policy could change.

The most common way to carry out this function is through an in-depth policy review. There have been a number of studies about how best to carry this out, and set out below is a ten-stage process developed by the Institute of Local Government Studies INLOGOV, at the University of Birmingham. Many of these ways of working are relevant to any piece of work carried out by Overview and Scrutiny.

##### Stage One: Be sure that the subject is significant

Members should choose topics for review with care. The Committee must agree to a review (by vote if necessary) and consider a range of factors in selecting a topic:

##### Selecting Issues for Inclusion in the Annual Work Programme

In developing their annual work programme, Overview and Scrutiny Committees should be clear about the reasons for selecting particular issues and what they are seeking to achieve.

A lack of proper caution can lead to a very long list of topics and issues for the work programme. To prioritise the types of issues to choose the PICK system should be used.

PICK stands for:

- P – Public Interest
- I – Impact
- C – Council Performance
- K – Keep it in context

Attached to the Planning Assessment Sheet (Appendix 2) is more detail of how the PICK analysis might operate.

In addition, the following provides a criteria checklist which is used by INLOGOV.

<b>Potential Criteria for Selecting Items</b>	
Issue identified by councillors as key issue for public (through councillor surgeries and other contact with constituents)	
Poor performing service (evidence from performance indicators/benchmarking)	
Service ranked as important by Council's community (e.g. through market surveys/citizens panels)	
High level of user/general public dissatisfaction with service (e.g. through market surveys/citizens panels/complaints)	
Public interest issue covered in local media	
High level of budgetary commitment to the service/policy area (as percentage of total expenditure)	
Pattern of budgetary overspends	
Council Corporate Priority area	
Central Government Priority area	
Issues raised by External Audit Management letters/ External audit reports	
New Government guidance or legislation	
Key reports or new evidence provided by external organizations on key issues	

but can also develop criteria to 'filter out' items

<b>Potential Criteria for Rejecting Items</b>	
Issue being examined by the Strategy Committee	
Issue being examined by an officer group: Changes imminent	
Issue being examined by another internal body	
Issue will be addressed as part of Best Value Review within the next year (or more?)	
New Legislation or guidance expected within the next year	

## Stage Two: Project Plan the investigation

As with any major project, the key to success lies in preparation. Think about:

- How long the review might take
- Ensuring that the terms of reference and scope are well-defined
- Is the review worth the proposed time and effort?
- What resources (officer time, costs, information) are required?
- How can we ensure an external review will be worthwhile?
- Do we need to bring in external advice or co-opt onto the Committee?

Part of the planning process is to look at how the Committee can deliver the next stages of the process.

A copy of a Planning Assessment Sheet is included at Appendix 2 (page 29).

Framing key questions will help focus the review. These form part of the terms of reference, and will help contributors know what the Committee is looking for. Overview and Scrutiny should be open with contributors about what evidence is required, and not surprise them. However, this does not mean that Members should restrict themselves to these questions, and should feel able to probe for more information where necessary.

Some possible questions:

### **Current service delivery/policy?**

- Do we know the level of need for a service?
- Who is responsible for this service/issue?
- Why do we offer this service? Do we have to?
- Why do we do it in this way?
- What do our customers think?
- At what point is it cost-effective to provide this service?
- How has the policy been arrived at?
- What difference has this made?
- Why has this approach been adopted?
- How does this fit in with existing plans/budgets?
- What are the challenges/opportunities facing the service?
- What are the strengths and/or weaknesses of the service/policy?
- What is being done elsewhere?

### **Future service delivery/policy?**

- What are the main things that could be done to improve the service? How could these be delivered?
- What are the links to other organisations?
- What are the alternatives?
- Is there advice from central government?
- Can we have an influence?
- Are our recommendations credible, deliverable and realistic?

### Stage Three: Determine who does what

It is important to make the most of available resources and skills. Councils have considerable technical expertise to draw on amongst Officers and Members. It is also possible to co-opt people onto Committees from outside who may also bring specialist skills and knowledge to a review, but it is important to make co-optees aware of the commitment involved, such as the length of review or the number of meetings. **Co-optees are not entitled to vote.**

Members may also consider using smaller working groups to focus on a particular review and report back to the full Committee, or task individual Members with parts of the review.

### Stage Four: Engage partners, the public, and the media

In a large review, it can be very useful to involve partner agencies, such as the other local authorities, the emergency services, housing associations, community forums, health providers and voluntary groups, from an early stage, as they can assist with the scope and timetabling. Often they will also provide evidence, which can be in writing or in person. Many issues are 'cross-cutting' and often involve other agencies.

One of the key principles for Overview and Scrutiny is public engagement. It is important that the Committee hears from the local people who are affected by a particular issue, or have useful evidence about a problem or service. There are several options on how to do this. Meetings can be held away from the Council Offices, for example, at a local community centre or village hall, or at the site where a service is delivered, such as a leisure centre. It can also be useful to think about how best to gather evidence - some people may find the formality of a traditional Committee meeting intimidating, whereas a focus group, survey, or a site visit can be more productive.

At the beginning of each review, a press release may be issued about the topic in question and the approach to the inquiry. Particular events throughout the review may also require publicity that could be through media coverage or advertising. It is also important to use the most appropriate means to reach people to let them know about events.

### Stage Five: Gather secondary evidence and primary evidence

Secondary evidence is that produced for other enquiries or projects. It could be the Council's strategy and action plan for the service area you are looking at, or a government report. It may include statistics and analysis of data. Often these can be very sizeable pieces of work.

Primary evidence is generated specifically for your enquiry, such as survey results or letters in response to the review. Some reviews send out the terms of reference and key questions to interested parties. Make sure that everyone is aware that papers are made public as part of the review process.

This evidence is very useful as it not only informs the review but also helps with developing more detailed lines of inquiry, especially if the Committee wishes to talk to contributors. Often it will be Officers who gather this type of evidence, which is then provided to the Committee. See Chapter Five on Overview and Scrutiny Key Skills for a list of the types of research and evidence that can be undertaken. It is also important to bear in mind the Freedom of Information Act requirements, especially if any evidence may be confidential.

### Stage Six: Get the right contributors

As with any evidence-based enquiry, it is important to select a balanced group of contributors, who can also provide useful evidence to the review. Consider if the contributor has experience of the issue, and can provide an informed viewpoint. Is there a consensus amongst experts, or is there disagreement that means that all sides should be approached? Officers can advise on who to approach and how many people to talk to. It may be easier to ask for written evidence in some cases.

Make sure contributors feel comfortable about taking part in a public review process. Again, ensure that people know the meeting will be open to the public and that any papers submitted to the review will also be made public.

### Stage Seven: Gather oral evidence

This is one of the most difficult parts of the review process. Consider how to gather the evidence - for example, is it best to hear evidence at a Committee meeting, or hold an open forum or public debate? The Committee could consider having pre-planned questions or a check-list of essential areas for the review. The Committee could also hear evidence from each contributor in turn, or hold a roundtable meeting to hear from all the contributors at the same time. Members could also consider site visits to talk to people away from the Council Chamber.

### Stage Eight: Adopt other methods

Think about other ways to gather information. As well as surveys, there are focus groups, debates, the internet (chat rooms, message boards, webcast meetings, email), or workshops. Choose the most appropriate to the nature of the review. (See Chapter Five for more information on research methods).

### Stage Nine: Prepare the draft report and send it out

Members should be responsible for formulating the Committee's recommendations, but should be aware of suggestions from others about possible recommendations. When preparing the draft report and recommendations, it can be useful to consult those who may be required to implement any recommendations or develop an action plan. The outputs from Overview and Scrutiny, i.e. the recommendations, need to be SMART (Specific, Measurable, Achievable, Realistic, and Timely). However, this should not restrict the Committee from making recommendations that could change policy. **The report can be drafted by Officers, but it must be owned by Members, who should agree the report.**

In presenting evidence, make sure that those who are quoted or have submitted evidence are shown the relevant sections of the draft report to make any factual corrections if necessary.

### Stage Ten: Follow-up

Once a review is completed, it is crucial that any accepted recommendations are tracked and results are reported back to the Committee.

With external reviews, there is no requirement for external bodies to respond to recommendations, but again it is important to know what has happened, if anything, to any suggestions for action by the Committee in its report. As Overview and Scrutiny develops, its success will be measured increasingly by its impact following reviews that it has conducted.

In summary:-

- Be sure that the subject is significant
- Plan the investigation and put that plan in writing
- Determine who does what
- Engage partners, the public, and the media
- Gather secondary evidence and primary written evidence
- Get the right contributors
- Gather oral evidence
- Adopt different methods for research
- Prepare the draft report
- Follow-up the review's recommendations

#### 4.3 External Scrutiny

This is a wide-ranging function, allowing Councils to review other public agencies, voluntary or private sector organisations. It is based on the principle of community leadership by the Council, and the idea that Councils can voice the concerns of local people about issues beyond the Council's own responsibilities.

External review has tremendous potential, but also risks. It is important to remember that Overview and Scrutiny Committees have no power to compel contributors to attend meetings or co-operate with a review. External review can also be resource-intensive, and therefore any topics need to be carefully considered before being reviewed.

Factors to take into account include:-

- Public interest - is this an issue that local people are concerned about?
- Partnership links - is this an issue that affects Council services in any way?
- Will the review receive co-operation from the organisation being reviewed?
- What is the review seeking to achieve?

In carrying out reviews of this type, the same process is used as for policy review. It can be very useful to involve other agencies from the outset, in looking at terms of reference, timetable, access to information, etc, as well as building positive relationships to help ensure that the review is a success.

## ■ Key skills for Members

This section draws together advice about the key skills that Overview and Scrutiny requires and provides a brief guide on some of the most important.

### 5.1 Questioning Technique

Most questions are either open or closed. Both have their uses, but open questions will gather more information.

#### Open Questions

These are the type of questions that encourage the contributor/respondent to provide information and detail. They are usually the 'who, what, why, when, where and how' type of questions.

#### Examples of Open Questions

<b>Purpose</b>	<b>Examples</b>
To establish rapport	Introductory questions to put respondent / contributor at ease
To show interest and encouragement	“and then?...” “I see....” “That’s interesting”
To seek further information	“why?” “why not?” comparison explain further hypothetical (not ideal for evidence-based working)
To explore in detail	“how do you feel about....?” “What do you think about....?” “To what extent do you feel/think....?”
To make sure you’ve understood	“As I understand it....” “So what you are saying is....”

#### Closed questions

These tend to be very focused on gaining specific information, such as: “how many?”, “how long?”. An open question would be: “Tell me about your holiday”” A closed question would be: “Where did you go on holiday?”

Most people will add information to a closed question, but it may not be the information you want.

Be careful to avoid:

- Leading questions - 'you must admit that...', or 'isn't it a fact that...'
- Several questions in one - this will confuse the respondent, and you may not get all the answers.
- Ambiguous questions - these are very broad and unfocused, leaving the respondent unsure what is being asked.
- Rhetorical questions- don't answer your own questions!
- Discriminatory questions - this is where an assumption is made, or the question may suggest the questioner is judging the answer and therefore the respondent.

Given the need to think carefully about questions, it can be useful to plan what you want to ask, either as individuals or as a Committee, prior to a meeting. This does not have to be exclusive or exhaustive, but can be a useful framework to ensure you get all the information you need for your review / investigation.

It is also important to consider how non-verbal communication can affect a respondent. For example, asking a question but then looking away could suggest to the respondent that you are not actually interested in their answer.

Be clear, relevant, concise and open in your questions. Avoid using jargon or acronyms. Think about the order of questions, to put the respondent at ease, and to find out more basic information before getting into detail.

#### Tips for Effective Questioning

- Keep questions short, simple and succinct - think through the aim or purpose of the question, and what you want to find out.
- Keep the enquiry in mind when framing questions.
- Plan your questions to structure the inquiry and make sure you get the information needed.
- Use different types of questions.
- Use questions that draw out as much information as possible - not that reinforce your own views.
- Plan the questions to start with open questions, then ask for more detail later.
- You can be searching, but avoid appearing competitive, argumentative or critical.
- Make sure you are clear and concise.
- Build on the work of other Members.
- Ask for clarification if you have not understood something (chances are that you are not the only one).

#### Tips for Effective Listening

- Be prepared to work hard at listening - try to concentrate on the speaker and not become distracted. Don't give up on difficult material, but try to work at understanding.
- Demonstrate interest and involvement - don't fiddle with pens etc, don't interrupt, and keep an open and relaxed posture.
- Do withhold judgment and evaluation until the speaker has finished - don't jump to conclusions.
- Judge content, not delivery - concentrate on the information, rather than the manner of delivery.

- Listen for ideas and overarching themes - avoid focusing on individual facts.
- Keep an open mind - don't debate, or react to controversial ideas. Don't listen selectively to only those points you agree with.
- Note bias, both in the contributors, and in yourself.
- Don't fill the silence - allow the speaker to develop their comments, and let people use brief silences to think about their answers.
- Help the speaker get their point across - let them know how much information is needed.
- Clarify and summarise - ask the speaker to check that you have grasped what they have said, and admit if you failed to catch something.

Think about how you look, sit and sound.

## 5.2 Chairing an Overview and Scrutiny Committee

Chairmen have a different role in Overview and Scrutiny Committees from the traditional style of meetings under the previous decision-making system. The Chairman needs to be clear about the purpose of the meeting and ensure that Members are also aware. Specialist training for Overview and Scrutiny chairs is available.

### The Role of Overview and Scrutiny Chairmen

- Chairmen are proactive and creative.
- Chairmen are responsible for ensuring a proper understanding of the topic, and for ensuring the Committee works effectively and efficiently. They continually review the working of the Committee.
- Chairmen stimulate debate and ensure that Committee Members participate.
- Chairmen consider what background information or research might be required, who might be invited to give evidence, what questions might be asked, and the frequency and location of meetings. Officer support and advice is available.
- Chairmen ensure that Officers understand that they are giving evidence, not presenting formal recommendations for implementation or action. Officer presentations reflect this.
- Chairmen ensure that Committees do not become confrontational or adversarial with people giving evidence. Overview and Scrutiny is about understanding the issues and recommending improvements, not about confrontation or blame.
- Chairmen encourage Committees to reach a consensus on the recommendations, which should clearly reflect the work undertaken and the spread of views expressed.
- Clear recommendations are presented that don't simply recommend more expenditure without real justification.
- Chairmen are responsible for producing a draft final report for Committees to agree.
- Chairmen present the Committee's report to the Strategy Committee and Full Council, if necessary.

The role of the Chairman of a Committee is obviously a key position in ensuring that Overview and Scrutiny is effective and will involve:

### Providing leadership to the Committee by

- keeping it focused and 'on track' in pursuit of its priorities,
- building good working relationships with Members and Senior Officers, through securing their engagement in discussions about Work Programmes and keeping them informed of progress in carrying this out.

### Preparation for the meeting

- knowledge of the terms of reference of the Committee and the area covered.

### Opening the meeting

- starting the meeting on time, welcoming people, clarifying roles and responsibilities,
- creating a powerful first impression: gaining commitment to the agenda, focusing on what the meeting must achieve,
- establishing ground rules and enforcing them,
- agreeing the time of the meeting and when it will end.

### Managing the business

- ensuring agenda items are not too heavy and are discussed in a logical, structured way,
- avoiding becoming personally involved, concentrating on managing the process,
- managing time to ensure that agenda items receive the appropriate level of discussion,
- managing the personalities of the membership of the Committee - making sure everybody has a chance to speak,
- handling conflict positively to channel energy or commitment,
- summarising to confirm agreement and ownership of actions/decisions/important points and at key stages refocus discussions.

### Closing the meeting

- clarifying how outstanding issues will be resolved,
- confirming arrangements for follow up documentation,
- agreeing the details for the next meeting,
- ending on a positive note, thanking everyone for his or her contribution.

### Post meeting follow up

- review the effectiveness of the meeting,
- identifying opportunities for improvement,
- reviewing the action points - developing implementation plans,
- actively following up progress on action points with those who accepted ownership,
- ensuring key people are kept informed of progress and maintaining their support.

### 5.3 The Role of Committee Members

The role of a Committee Member will involve some or all of the following activities:

- agreeing a manageable work programme with the Members of the Committee,
- receiving and examining information regarding service areas,
- monitoring the performance of services, including participating in best value reviews as appropriate,
- taking an active role in reviews, that could include research, site visits, questioning contributors and developing SMART recommendations,
- participating in working groups set up to develop policy or practice in specific areas or to scrutinise particular services or practices in detail,
- ensuring that the principles of equality and fairness are integral to all actions and policies of the Council,
- holding Strategy Committee and Senior Officers to account and ensuring that agreed decision making and consultation processes are followed in respect of decisions,
- taking a full part in training and development programmes to ensure that this role is undertaken as effectively as possible.

### 5.4 Research Methods

Members need to familiarise themselves with the different research methods available to them, and the benefits and limitations of each type. They can be broken down into two groups, quantitative (statistics) and qualitative (interpretation of information). The following table lists some of the commonest types of research used in Overview and Scrutiny, the type of information that can be gathered, and the benefits and limitations of each one.

Whatever the review, often more than one technique will be used. Committees need to think about the most suitable and most cost effective.

## Research Methods

<b>Type of Research</b>	<b>When to use it</b>	<b>Benefits/ Limitations</b>
Statistical methods (Quantitative)	For looking at large quantities of numerical data. For example, how many people own one car or more, which can be broken down by age, gender, area economic indicators etc. One of the most familiar forms of this type of research is the Census.	Requires specialist knowledge to produce meaningful results. Only suitable if large quantity of data is available to analyse or else the results are not robust.
Questionnaires (Qualitative)	When looking for views of lots of people about a particular subject. Useful for a quick response and reaching many people.	Questions have to be carefully thought through. If asking questions that require a detailed response, coding and analysing results will take time. It is also difficult to prove that the questionnaire is representative of the population as a whole. It can be costly and time-consuming to produce a useful questionnaire.
Focus Groups (Qualitative)	When looking for opinions and views about issues from particular groups.	This is a very popular method, but has to be carefully carried out to ensure robust results. It is resource and time intensive. Results will not necessarily be representative, but can be very informative. Requires training both in conveying, carrying out and analyzing.
Mystery Shopper (Qualitative)	For a random check on a service e.g. response to a query.	This can be a great 'quick-hit' tool, and easy to carry out. It can highlight areas that might need more detailed analysis.
Desk – based/ archival research.	To seek out other research and reports available.	This is often done at the first stage of a review, and will look for relevant reports etc published about the topic. It is most productive if the results are summarised and annotated for their value e.g. bias of authors, date when produced.

<b>Type of Research</b>	<b>When to use it</b>	<b>Benefits/ Limitations</b>
Ask the experts	To inform the review	Committees may find it useful to use experts to contribute to the review, either through questions in a meeting, or to ask more specialist questions and analyse detailed complex evidence. It is important to select the experts with care.

# ■ Overview and Scrutiny Checklist

## Some Do's And Don'ts

- Remember the 'critical friend' role, and take a positive approach.
  - Take an overview and keep an eye on the wider picture.
  - Check performance against national and local standards and targets.
  - Ask informed questions based on what you have learned.
  - Take account of local needs, priorities and policies.
  - Be persistent and inquisitive.
  - Ask effective questions.
  - Be open-minded and self-aware.
  - Listen to a wide variety of views, and seek out opinions not often heard.
  - Praise success and good practice.
  - Think about consequences of challenge.
  - Review your own performance.
  - Overview and Scrutiny should seek improvement and enhanced performance.
  - Provide feedback to those who have been involved in the review and to stakeholders.
  - Anticipate difficulties in Members challenging colleagues from their own party and Officers challenging their colleagues.
- 
- Overview and Scrutiny should not be a witch-hunt or punishment.
  - Party politics should not dominate.
  - Don't stifle initiative, risk-taking or creativity.
  - Don't dismiss Overview and Scrutiny or treat it as a sideline.
  - Don't get tangled in detail.
  - Don't assume everyone knows the details.
  - Don't get sidetracked.
  - Don't take overlong on one review.
  - Don't treat Overview and Scrutiny as an add-on.
  - Don't be frightened of asking basic questions.
  - Don't undertake too many issues in insufficient depth.
  - Don't underestimate the task.
  - Don't lack sensitivity to other stakeholders.
  - Don't accept reports or presentations that don't get straight to the point.

# Guidance for Officers

## 6.1 How are topics decided?

Each Committee decides its Work Programme, subject to Council's agreement. At the beginning of the municipal year the Committees receive information about what local citizens want them to address, as well as ideas from Officers or Members. The programme builds in flexibility to allow for topics to be added as the year progresses.

## 6.2 How is Overview and Scrutiny carried out?

In brief, the Committees take an evidence-based approach in looking at all the topics before them, and base their recommendations on that evidence.

Officers are involved in every stage, from the selection of items, project planning, providing information, evidence and then advising on possible recommendations being achievable and credible.

The Democratic and Support Services Team liaises between Officers and the Committees, assisting in the review process and progress of reviews.

## 6.3 How long do I have to produce evidence for the Committee?

The Committees will allow time to ensure that Officers can produce the information required. If Officers have concerns about this, they should approach their Manager.

Officers need to take a 'two-hatted' approach in supporting both the Strategy Committee and the Overview and Scrutiny Committees as they are part of the Council's decision-making process.

## 6.4 How should I prepare and what should I include?

The Committee should inform Officers about not only the topic in question, but also possible areas of interest, such as progress on service delivery, customer comments or options available. Although the Committees aim not to surprise Officers, questions will always arise as discussion takes place. Officers can offer a written answer where appropriate, or come back to the Committee at a later date.

The Democratic and Support Services Team will contact Officers about the meeting and advise on what the Committee wish to discuss. The team can also, if needs be, ask the Committee for clarification and more detail.

Some items will require briefing notes that inform Members about the current position, or simply an oral report to update Members, whilst other items may require more detailed information. Officers can also make presentations to Committees. Officers should note that any written information such as briefing notes provided to the Committees should be regarded as reports and a public document.

## 6.5 Will I need to attend?

Only Senior Officers are required to appear before Committees. Other Officers may be asked to attend and should also have support from line management at the meeting if they wish. As part of a review, Committees may also meet with Officers outside Committee meetings, such as on site visits. Officers will always be informed if a site visit is to take place.

## 6.6 What will I be asked?

Members should only ask Officers about factual and technical information, delegated decisions they are responsible for, and service delivery issues. Officers are not expected to comment on decisions made by Strategy Committee, but may be asked about accompanying reports they have written, for example:-

- What consultation took place?
- What other options have been looked at?

Questioning should comply with the Member/Officer protocol. (See the Council's Constitution).

Officers are entitled not to answer particular questions if they are of a political nature or to account for the reasons that a decision has been taken (if the Officer did not take that decision). These should be addressed to the decision-maker(s).

The type of information provided could be:

- Background information or advice to the committee on a particular service area/issue/responsibility,
- To explain decisions they have been involved in, or accompanying reports,
- Explanations of implementation of Council policy,
- Performance indicators for their areas of responsibility in relation to Council services and policies.

## 6.7 What feedback will I get?

Any information from Officers included in a review or report by the Committees will be checked with the relevant Officers to ensure correct interpretation of evidence by the Committee. The Democratic and Support Services Team are also available to provide feedback about the meeting or information provided.

## 6.8 Checklist for People Giving Evidence to an Overview and Scrutiny Committee

- Make sure you are certain of the topic and what the Committee is likely to be after - Speak to the Democratic and Support Services Team if you are unsure of what the Committee have asked for.
- Discuss your contribution with the Democratic and Support Services Team, especially if you haven't given evidence to an Overview and Scrutiny Committee before.
- If you are making a presentation or a verbal report, or presenting papers on the day of the meeting, check with the Democratic and Support Services Team how many copies are required for Committee.

- The Overview and Scrutiny Committees do not always consider traditional reports recommending actions, implementation or additional expenditure. Expect to be asked your opinion on the best way of doing things, why a particular action or policy was recommended to the Strategy Committee, and how a service might be improved.
- Should you be submitting a report, it should be prepared in accordance with the report writing template available on BEN.
- Don't include large documents or previously published material as part of the evidence unless requested to do so. Instead, make reference to it, and where it can be found.
- Information given to an Overview and Scrutiny Committee, including any other reports you might refer to, will usually be made available in the public domain. If information being presented to an Overview and Scrutiny Committee is confidential, then discuss this with Democratic and Support Services Team well in advance of the meeting, and before the distribution of agenda papers.
- Don't assume that the Committee has specialist knowledge.
- And don't be overly defensive. Overview and Scrutiny is about understanding and recommending improvements, not about confrontation or blame.

# Appendix 1

## PROTOCOL FOR USE OF CALL-IN PROCEDURE

There are five key elements for overview and scrutiny:

- Holding the Strategy Committee to account;
- Policy Review;
- Policy Development;
- Improvement reviews, including Best Value;
- External scrutiny.

These functions are carried out either by looking at individual decisions or whole policies and strategies. Councillors can develop new policies and look at service delivery through Best Value reviews and performance management information.

Issues can be investigated in depth (in which case a Planning Assessment Sheet (Appendix 2 page 29) should be drawn up as a first step), or be looked at over one meeting, or be for information only.

Members of the Overview and Scrutiny Committees also have the right to challenge a Strategy Committee decision before it is implemented and ask Strategy Committee or Council to reconsider, through the call-in procedure.

Set out below are the criteria against which the Council expects any request for call-in to be judged.

Members should refer to the Overview and Scrutiny Procedure Rules referred to in Part 4 of the Constitution, with particular reference to Paragraphs 38 to 42.

The Council does **NOT** expect Members to call in a Strategy Committee decision **UNLESS** one or more of the following circumstances applies –

- there is reasonable concern over the lawfulness of the decision;
- the decision appears to be contrary to the Budget or one of the policy framework plans or strategies;
- the decision appears to be inconsistent with any other policy approved by Council or the Strategy Committee;
- the decision appears to be inconsistent with recommendations previously made by an Overview and Scrutiny Committee and accepted by Council or the Strategy Committee;
- the Strategy Committee has overlooked some relevant and material consideration in arriving at its decision;
- the Strategy Committee appears to have acted unreasonably in failing to consult relevant stakeholders on some relevant and material issue before arriving at its decision;

- the Strategy Committee has not taken its decision in accordance with the decision-making principles set out in Article 12 of the Constitution; or
- the Strategy Committee has taken a decision outside its Terms of Reference as set out in the Responsibilities for Functions in Part Three of the Constitution.

In addition, the Council expects Members to satisfy themselves, before deciding to call in a particular Strategy Committee decision that the delay which will ensue, as a consequence of calling in the decision in question, is unlikely to cause prejudice to the interests of the Council or third parties.

## Appendix 2

### OVERVIEW AND SCRUTINY ( ) COMMITTEE

#### PLANNING ASSESSMENT SHEET FOR REVEIWS

<b>What is to be reviewed?</b>	
<b>Why?</b>	
<b>What benefits are expected?</b>	
<b>What needs to be examined and asked?</b>	
<b>Documents/evidence/research</b>  What?  Why?	<b>Questions to be asked</b>
<b>Site visits</b>  Where?  Why?	<b>Questions to be asked</b>
<b>Consultation</b>  Who/what?  Why?	<b>Questions to be asked</b>
<b>Witnesses</b>  Who?  Why?	<b>Questions to be asked</b>
<b>What resources will be needed for the review?</b>	
<b>Over what period should it be carried out?</b>	Start  Complete
<b>Who will be the lead officer?</b>	

## **PICK ANALYSIS**

In developing its annual work programme, Overview and Scrutiny Committees should be clear about the reasons for selecting particular issues and what they are seeking to achieve.

The list of topics and issues for the work programme can be a very long one if not careful. Some councils use an idea called PICK to prioritise the types of issues to choose. PICK stands for:

- P Public Interest
- I Impact
- C Council Performance
- K Keep it Context

### **P for Public Interest**

Councillors are the eyes and ears of the public, ensuring that the policies, practices and services delivered by both Babergh District Council and external organizations, are meeting local needs and to an acceptable standard. The concerns of local people should therefore influence the issues chosen for scrutiny.

### **I for Impact**

Scrutiny is about making a difference to the social, economic and environmental well-being of the area. Not all issues of concern will have equal impact on the well-being of the community. This should be considered when deciding the work programme and priority be given to those issues that have more impact.

### **C for Council Performance**

Scrutiny is about improving performance and ensuring the people of Babergh are served well. Councillors will need good quality information to identify areas of poor performance both within the Council and externally. There are no shortage of Performance Indicators available in the public service arena, both national and local, although the quality and relevance will vary. There is a need to select the most relevant performance indicators and to seek an interpretation of results.

### **K for Keep it in Context**

To avoid duplication or wasted effort priorities should take account of what else is happening in the areas being considered. Is there a Best Value Review happening or planned? Is the service about to be inspected by an external body? Are there major legislative or policy initiatives already resulting in change? If these circumstances exist councillors may decide to link up with other processes (e.g. Best Value Review) or defer a decision until the outcomes are known or conclude that the other processes will address the issues.

## PICK CHECKLIST

More “ticks” across all four categories indicates that the topic is more suitable for in depth review.

<p><b>Public Interest</b></p> <ul style="list-style-type: none"><li><input type="checkbox"/> There is evidence of significant public interest in this topic</li><li><input type="checkbox"/> It is a “high profile” topic for specific local communities or communities of interest</li><li><input type="checkbox"/> This is an area where we received a lot of complaints and / or bad press</li><li><input type="checkbox"/> The review will need to include participatory events and opportunities for local people and / or organizations to have their say</li><li><input type="checkbox"/> Substantial survey or research work is required</li></ul>
<p><b>Impact</b></p> <ul style="list-style-type: none"><li><input type="checkbox"/> This review will have a significant impact on the “well being” of Babergh</li><li><input type="checkbox"/> A local community or community of interest have much to gain or lose</li><li><input type="checkbox"/> Work is needed to develop the routes to influencing change (e.g. with partners)</li><li><input type="checkbox"/> This could make a big difference to the way services are delivered</li><li><input type="checkbox"/> This could make a big difference to the way resources are used</li></ul>
<p><b>Council Performance</b></p> <ul style="list-style-type: none"><li><input type="checkbox"/> The Council and / or other organizations are not performing well in this area</li><li><input type="checkbox"/> We do not understand why our performance differs from others</li><li><input type="checkbox"/> We are performing well but spending too much money in this area</li><li><input type="checkbox"/> There are few local or national performance measures / targets for this service</li><li><input type="checkbox"/> This service is fundamental to the achievement of Council objective(s)</li></ul>
<p><b>Keep in Context</b></p> <ul style="list-style-type: none"><li><input type="checkbox"/> This service will not be part of a BV Review or external inspection in the next 2 years</li><li><input type="checkbox"/> This service will be reviewed or inspected soon but Scrutiny can make a positive contribution by focusing on key areas of interest and making recommendations</li><li><input type="checkbox"/> This service has not been recently reviewed or inspected</li><li><input type="checkbox"/> There are no current major changes to service that reduce or pre-empt the value of review</li><li><input type="checkbox"/> Service changes are planned and Scrutiny can positively influence change</li></ul>

## ■ Appendix 3

### Performance Monitoring in Scrutiny

#### Role and purpose

The purpose of performance management is to deliver better quality services to local people. It allows interventions or adjustments to be made so that outcomes can be improved.

Elected Members have an important role in monitoring the information generated by performance management and using it:

- To provide a clear vision for services
- To seek accountability
- To be performance focused
- To seek value for money
- To ensure that agreed service improvements are effective

#### Guide to performance measures –

#### Types of indicators and targets

- **National indicators** – the Council reports statutory Best Value Performance Indicators to the Audit Commission annually.
- **Local Public Service Agreements** – these are targets agreed between the Council and the DCLG. They are specific targets used to address particular areas of performance – achieving these targets often attracts additional resources.
- **Other performance indicators** – information collected by Managers, complaints, customer satisfaction feedback, financial controls, external investigations, reports or observations, competitions and anecdotal information from surgeries or community meetings.

#### How indicators are organised and presented

Internal performance indicators are organised into Balanced Scorecards.

Balanced scorecards are performance management tools, which allow us to compare the performance of the organization over four areas.

In Babergh they are:

- **Organisational Development** (internal business processes),
- **Democratic Accountability** (customer focus),
- **Good Stewardship** (financial management),
- **Continuous Improvement** (learning and growth of the organization).

The information is summarised in tables, which use symbols to indicate whether each target has been achieved, and whether performance is better or worse than the previous year's performance.

## **What Overview and Scrutiny Committees can do in response to poor performance?**

### **Overview and Scrutiny Committees may:**

- Establish and assess the current situation.
- Ask for more information and an explanation of the issues.
- Make comparisons with the performance from other Authorities.
- Make recommendations to the Strategy Committee.
- Suggest an in-depth study.

## Appendix 4

### Tips for working with Performance Management Information

Performance monitoring is the activity of tracking performance against targets and identifying opportunities for improvement.

The purpose of performance monitoring is to use the information to help decide how to deliver better quality services to local people.

Never be afraid to ask questions about the information you are presented with, by asking questions and seeking clarity you will be helping to demystify the information and develop everyone's understanding.

There are many questions raised by performance management information, here are some ideas under broad headings:

- **Targets** – Who set them? How realistic, difficult or easy are they? Are any other Authorities achieving them? What are the implications for failing to meet the target, who or what will be affected and how?
- **The data** – What is the sample size? Is it so small that the numbers are not as serious as it first appeared? How was information collected and recorded and by whom? Do we have all the relevant information? Can the information be broken down, into ward or neighbourhood level or by service area or specific time periods?
- **Trends** – What comparative information is available? Are there figures available for past performance, for example 3 or 5 years? Is this outcome part of a trend or a temporary 'hotspot'?
- **Service provision** – Which service(s) have contributed to the failure or success? Is the impression given by the figures backed up by the experience of residents receiving that service? Will success or failure affect residents? Will success or failure affect resources?
- **Best practice and accountability** – Who is responsible for explaining this result? Who can provide more information? Where can examples of best practice be found?

There are many actions that can be taken in response to performance management information, either before, during or after the Scrutiny meeting:

- Establish and assess the current situation
- Ask for more information and reports from Officers
- Invite witnesses to come and talk to the Committee
- Visit or contact other local authorities to make comparisons
- Make recommendations to the Strategy Committee
- Do a reality check – does the performance information reflect what is happening on the ground
- Suggest an in depth study

**Performance management information is one tool to help manage, scrutinize and ultimately improve our service delivery to residents.**

## Appendix 5

### 38. CALL-IN

Call-in should only be used in exceptional circumstances. These are where Members of the Overview and Scrutiny Committees consider that one or more of the circumstances set out in Protocol 2 apply.

- (a) When a decision is made by the Strategy Committee, the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council normally within two days of being made. The Chairmen and Members of the two Overview and Scrutiny Committees will be sent copies of the records of all such decisions within the same timescale, by the person responsible for publishing the decision.
- (b) That notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of seven working days after the publication of the decision, unless it is called in.
- (c) During that period of time, a minimum of any five Overview and Scrutiny Committee Members (but not the Chairman of either Committee) may request that a decision of the Strategy Committee be called-in for scrutiny by the appropriate Overview and Scrutiny Committee. The request shall be submitted to the Head of Corporate Services in the prescribed form set out in Protocol 1 in hard copy form, by fax or by email.
- (d) Upon receipt of a call-in request, the Head of Corporate Services shall consult with the Monitoring Officer and the Chairmen of both Overview and Scrutiny Committees to decide which would be the most appropriate Overview and Scrutiny Committee to consider the call-in having regard to the terms of reference of each Committee.
- (e) The Chairman (or in his or her absence the Vice Chairman) of the appropriate Overview and Scrutiny Committee, determined in accordance with (d) above, shall consider the validity of a call-in request in consultation with the Head of Corporate Services and the Monitoring Officer. Thereafter, if so requested by the Chairman, the Head of Corporate Services shall call-in the decision for scrutiny by the appropriate Overview and Scrutiny Committee and shall then notify the decision-maker of the call-in.
- (f) The Head of Corporate Services shall call a meeting of the Committee on such a date as he/she may determine, where possible after consultation with the Chairman (or Vice Chairman in his or her absence) of the Committee, such meeting to be held as soon as practicable.
- (g) Any Member named on the call-in request may attend and speak at the meeting of the Overview and Scrutiny Committee at which the call-in is considered.
- (h) If having considered the decision the Overview and Scrutiny Committee is still concerned about it, then it may either:-
- (i) refer it back to the Strategy Committee for reconsideration, or

- (ii) refer it to Council for a final determination, or for referral back to Strategy Committee as provided in (k) below in each case setting out in writing the nature of its concerns.
- (i) If referred to Strategy Committee, that Committee shall then reconsider as soon as practicable. If Strategy Committee does not accept the recommendations of Overview and Scrutiny Committee the issue shall be referred to Council for consideration. If Strategy Committee accepts the recommendations of Overview and Scrutiny Committee, it may adopt the amended decision.
- (j) If following the setting up of the meeting for consideration of the call-in request the Overview and Scrutiny Committee does not meet on the date specified by the Head of Corporate Services, the decision shall take effect on the date it is known that the meeting will not take place. If the Committee does meet but does not refer the matter back to the Strategy Committee, or refer it to Council the decision shall take effect on the date of the Overview and Scrutiny Committee meeting.
- (k) If the matter was referred to Full Council under (h) (ii) above or in circumstances where Strategy Committee did not accept the recommendations of Overview and Scrutiny Committee (as set out in (j) above) and Council does not object to the original decision, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if Council does object, Council will either make a final determination on the matter or refer any decision to which it objects back to the Strategy Committee, together with the Council's views on the decision. The Strategy Committee shall then make its decision in accordance with the views expressed by Council at a meeting convened to reconsider the matter as soon as practicable following Council's referral.
- (l) If the Council does not meet, or if it does but does not refer the decision back to Strategy Committee, the decision will become effective on the date of the Council meeting or expiry of the period in which the Council meeting should have been held, whichever is the earlier.
- (m) In circumstances where the Council has appointed Area Committees and where a decision has been taken by an Area Committee, then the right of call-in shall extend to any five Members of another Area Committee if they are of the opinion that the decision made but not implemented will have an adverse effect on the area to which their Committee relates. In such cases, those five Members may request the Head of Corporate Services to call-in the decision. He/she shall call a meeting of the relevant Overview and Scrutiny Committee on such a date as he/she may determine, where possible after consultation with the Chairman (or the Vice Chairman in his or her absence) of the Committee, and in any case within five days of the decision to call-in. All other provisions relating to call-in shall apply as if the call-in had been exercised by Members of a relevant Overview and Scrutiny Committee.

39. A proposal should only be called in once. If, however, the Strategy Committee substantially amends the original proposal in a way which the Overview and Scrutiny Committee has not considered, nor could reasonably have foreseen, to the extent that in reality it is a different proposal, the Overview and Scrutiny Committee has the right to call it in again.

#### 40. **PROCEDURE ON CALL-INS**

- 40.1 The end of the call-in period will normally be 5.00 p.m. on the seventh working day after the publication of the Strategy Committee decision. The Head of Corporate Services will be responsible for informing the Chairman of the Strategy Committee, the Chief Executive and Corporate Directors of any item that has been called-in.
- 40.2 Officers need to bear in mind that if a call-in is registered, then the Strategy Committee decision cannot be actioned until finally dealt with. Only work that can be undertaken without presuming the ultimate decision can be undertaken.
- 40.3 The item called in will require the following papers:-
- (a) the report that was presented to the Strategy Committee;
  - (b) the relevant extract of the Strategy Committee Minutes;
  - (c) any supplementary report, either updating figures and information which was supplied orally to the Strategy Committee or giving further updated information available to the Strategy Committee, or both.
- 40.4 Members who have exercised call-in can withdraw their request at any time before the meeting either individually or “en bloc”.
- 40.5 Any Member of Overview and Scrutiny Committee who has acted as substitute on a matter decided at Strategy Committee must stand down during discussion of the item at Overview and Scrutiny Committee.
- 40.6 Officers may be approached for information before Overview and Scrutiny Committee and they are referred to the Member/Officer protocol to deal with any such issues. Generally any information which is necessary for the Member’s understanding of the item coming to Overview and Scrutiny Committee is a matter that must be dealt with by the Officer. In cases of confidential/exempt matters the same applies but for good administrative practice this should be limited to Members of the Strategy Committee, Overview and Scrutiny Committee and Members who have called-in the item.
- 40.7 At the meeting the following will be the usual order of appearance:-
- (a) The author of the call-in report notifies Members of Overview and Scrutiny Committee of the updated position.
  - (b) The “call-in” Members (one or all) make a presentation of their reasons for call-in.
  - (c) Members of Overview and Scrutiny Committee may question them.
  - (d) The Chairman of the Strategy Committee (or his or her nominated representative) explains why the decision was made.
  - (e) Members of Overview and Scrutiny Committee may question him/her.
  - (f) Any other contributions from representatives from outside the Council.

- (g) Members of Overview and Scrutiny Committee may question him/her.
- (h) The author of the report presents his/her papers with or without comments. The Officer is not expected to make a further presentation.
- (i) Members of Overview and Scrutiny Committee may question him/her.
- (j) Member of the Strategy Committee (as above) to respond.
- (k) Discussion takes place.
- (l) There will be a vote giving the reason for the Overview and Scrutiny Committee's decision (if the Strategy Committee Member has indicated that he/she is prepared to take the matter back to the Committee that will be noted and referred to together with the reason).
- (m) The Chairman of the Overview and Scrutiny Committee will have the discretion to operate the above process flexibly where it is considered that changes would be conducive to the effective performance of the Scrutiny role.

#### 42. **CALL-IN AND URGENCY**

- 42.1 The call-in procedure set out above shall not apply where the decision being taken by the Strategy Committee is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests. The record of the decision, and notice by which it is made public shall state whether in the opinion of the decision-making body, the decision is an urgent one, and therefore not subject to call-in. The Chairman of the Council must agree both that the decision proposed is reasonable in all circumstances and to it being treated as a matter of urgency. In the absence of the Chairman the Vice-Chairman's consent shall be required. In the absence of both, the Head of Paid Service or his/her nominee's consent shall be required. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.
- 42.2 The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.
- 42.3 When considering any matter in respect of which a Member of an Overview and Scrutiny Committee is subject to a party whip the Member must declare the existence of the whip, and the nature of it before the commencement of the Committee's deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the Minutes of the meeting.

