

# **Scrutiny Committee Investigations Protocol**

November 2017

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## **1 Introduction**

This protocol provides information for anyone facilitating or participating in scrutiny investigations that are taking place outside of the formal meetings of the scrutiny committees. There are a variety of methods that can be used by councillors, which include task and finish groups, one day inquires and scrutiny panels. This protocol sets out the main expectations and requirements for scrutiny investigations and Review Groups.

## **2 Purpose of Scrutiny Investigations**

- 2.1 One of the key roles of Scrutiny is to carry out in-depth investigations where the result can clearly influence and improve policy and service delivery. Scrutiny Investigations are normally informal and time limited.
- 2.2 The process of investigating the issue entails the collection of evidence, from a wide range of individuals, partners and organisations that are either directly or indirectly affected. The purpose is to develop specific and realistic recommendations for change, enhancement or improvement.
- 2.3 There are several methods that can be utilised for scrutiny investigation and the first step is to identify the right tool for the job. Investigations can take a variety of forms, from a detailed review to a short, sharp and concentrated focussed piece of work on a high profile issue. The method used will be influenced by the topic and the purpose of the review.
- 2.4 Scrutiny Investigations offer the opportunity to use a variety of more diverse working methods (working flexibly to adapt to the needs of different reviews), including making visits, and use of interviews and publicity events to encourage community participation and public engagement in Scrutiny.

## **3 Key Principles of Scrutiny**

The operation of the Scrutiny Investigations will be under-pinned by the following key principles of Scrutiny:

### **3.1 Influence**

A review by a scrutiny group is not an end in itself. It aims to influence decision-making and improve service delivery. Review Groups do not have the power to implement ideas that they develop but they will make recommendations. If these recommendations are adopted then their implementation will be monitored through the parent scrutiny committee. The normal expectation would be for recommendations to be adopted by the Executive Board and Council. On some occasions there could be recommendations for scrutiny committees to develop their own practices. Recommendations may also be directed to partner organisations and it is recognised that scrutiny has no power of enforcement.

## 3.2 Independence

Many reviews will examine existing council policies and procedures to ensure continuous improvement in service delivery. The review should be conducted with objectivity. Nothing should be done that could impair the independence of the process. Party whips are prohibited in scrutiny and the scrutiny procedure rules under part 4.5 section 20, outlined in the Council's constitution, are also applicable to any scrutiny investigations

## 3.3 Inclusion

Review Groups will seek to consult widely, both internally and externally where appropriate, to ensure a breadth of views and opinions are obtained as part of the investigation. This will support the development of robust and meaningful recommendations that are designed to have a positive impact on service delivery and the community.

## 3.4 Constructive working

Review Groups will carry out their work in a positive manner, recognising the need to work with the Executive, staff, service users, partner agencies and other stakeholders to achieve improvement. The purpose of asking people to contribute is to assist Members in obtaining a clearer understanding of the issues so they can identify possible areas for improvement.

## 3.5 Value for money

When conducting the review the Group will take into consideration the timeliness of the review and the scope of what is included in the remit. In developing recommendations Members should be conscious of the need to spend public money effectively. There will be an expectation that the majority of reviews would be completed within twelve months. Any recommendations that are made should be costed and the full impact on resources clearly understood.

# 4. **How Scrutiny Investigations operate**

## 4.1 Type of Investigation

4.1.1 There are several different methods for scrutiny investigations/reviews and the advantage of scrutiny is that it is flexible and can be adjusted to meet the requirements of the task. The first consideration is the identification of the topic and it is important that it clarified exactly what aspect is being investigated. Reviews cannot be too broad as they can become unwieldy and dilute the outcomes. It is more productive to undertake a thorough investigation of a smaller aspect that will result in real service improvement rather than general recommendations that have little impact.

4.1.2 The timeline for the review is also a consideration, for example if it is a short piece of work that has to be completed quickly then a one day inquiry may be the best tool to use. However, if the topic is more complicated involving information being received for a lot of sources and considerations will need to take place over a

longer timeframe than a task and finish group may be more appropriate. A Panel of Members may be the best option for dealing with sensitive matters on an ongoing basis. Whichever method is chosen the process for membership and scoping the review will be similar.

## 4.2 Membership

- 4.2.1 All councillors, except for Executive Board Members, can serve on a Review Group.
- 4.2.2 The individual Scrutiny Committee will agree membership of the Review Group and will decide if they wish to open up membership to councillors who are not on the relevant Scrutiny Committee. It is good practice to make use of councillor interest, experience or specialist knowledge.
- 4.2.3 As a guideline, review groups should normally consist of no more than 6 elected members and be political balanced. Membership of the group will be agreed by the parent scrutiny committee.
- 4.2.4 The Chair and Vice-Chair of the parent committee will usually be members of the Group, although this is not compulsory.
- 4.2.5 The Group will appoint a Chair and Vice-Chair of the Group. It is not a requirement that it is the same Chair and Vice Chair of the parent committee, however this is usual practice
- 4.2.6 It is recommended, whenever possible, that councillors should not sit on more than one review group at any point in time. This will allow for the scrutiny review workload to be balanced amongst all scrutiny committee members.
- 4.2.7 All members of the Group will be expected to prioritise their workload to ensure 100% attendance at meetings, as there will be no use of substitutes, except in cases of long-term absence. The latter will be dealt with on a case by case basis by the Group Chair in liaison with the Committee Chair if different.

Note: If a Councillor is not present at the Committee meeting where a decision is made to establish a review group and they are appointed to serve on that Group, a written invitation should be sent, informing them of the Committee's decision and asking them if they would be prepared to serve as a member of the Group. Councillors can then accept or decline the invitation.

## 4.3 Member's Interests

- 4.3.1 The Member's Code of Conduct applies to all meetings where Members or officers are present and as such, Councillors should declare any personal interest in any matter being considered at a meeting of a Group. Depending on the type of personal interest involved, the Councillor may have to withdraw from the meeting while the matter is considered (even if he / she is not a member of the Group, and is present only to observe for example), unless granted a prior dispensation by the Standards Committee.

- 4.3.2 Non-councillor members of Task and Finish Groups should be asked to declare any personal interest, even though they are not bound by the Council's Code of Conduct.
- 4.3.3 A Councillor should not join a review group if they have a personal interest that is likely to arise so frequently at meetings of the Group that it will prevent them from making a significant contribution.
- 4.3.4 A Councillor may be able to contribute to a particular review because of their personal, employment, or business experience / expertise. Generally this will only amount to a personal interest if the Group examines, for example, a service or contractual relationship between the Council and the councillor, their employer or a business or other organisation in which they have an interest.
- 4.3.5 Any Councillor who is in doubt about their position, or would like any advice or information about any aspect of the code or standards of conduct, is welcome to contact the Head of Administration & Law on 01267 224010.
- 4.4 Procedures and Protocols
  - 4.4.1 Review groups operate on a relatively informal basis in the sense that they are a forum for information gathering and evidence based discussion. They have no delegated powers.
  - 4.4.2 Meetings will take place as often as needed until the task is complete. Following the planning meeting, the Group should aim to hold the necessary meetings within as short a timeframe as possible so that findings do not become out of date before completion of the task.
  - 4.4.3 Meetings of the group will be less formal than meetings of normal Scrutiny Committees. They require an approach that allows all members of the Group to participate fully and on equal terms and incorporates questioning and discussion with contributors. Informal ways of working are to be encouraged.
  - 4.4.4 Prior to the first meeting, the group will establish whether simultaneous translation facilities need to be made available.
  - 4.4.5 Contributors will be informed prior to them submitting any oral or written information that it may be published or disclosed in accordance with the access to information regimes. These are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) GDPR and the Environmental Information Regulations 2004. If a contributor wishes the information that they provide to be treated as confidential, the Council will make them aware that, under the FOIA, there is a statutory Code of Practice with which the Council must comply and which deals, amongst other things, with obligations of confidence.
  - 4.4.6 In view of this contributors will be invited to explain why they regard the information as confidential. Contributors should understand that if the Council receives a request for disclosure of the information it will take full account of the explanation given, but the Council cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by an IT system will not, of itself, be regarded as binding on the Council. Further

advice on this subject is available from the Head of Administration & Law on 01267 224010

- 4.4.7 Prior to the meeting, contributors will be notified of the opportunity to provide evidence in the language of their choice.
- 4.4.8 In the event that the task involves research, the Group must always ascertain whether such research is/has already been undertaken elsewhere e.g. another Scrutiny Committee, Directorate, TIC Review, or even a partner organisation / external body (e.g. Wales Audit Office, WLGA) and take that evidence into consideration where relevant.
- 4.4.9 Democratic Services Officers will take notes of the main facts gathered and points of discussion at each meeting and make a summary of the discussion.
- 4.4.10 The Chair of the Group's role is to make sure that the parent scrutiny committee is kept informed of the Group's activities.
- 4.4.11 It is hoped that by fully discussing issues the Group will be able to reach agreement by consensus on any recommendations or conclusions rather than voting.
- 4.4.12 Members of the Group should operate within the agreed plan for the review and must not disclose or use any information / knowledge obtained through involvement in the Group for any other purpose.
- 4.4.13 All Members should not do anything to pre-empt or undermine the outcome of the Group's recommendations.
- 4.4.14 The Chair of the Task and Finish Group has joint responsibility with the Chair of the parent Scrutiny Committee, for issuing a media briefing in relation to completed review work and any subsequent media interaction that is required. The supporting Democratic Services officer will assist with this role in liaison with the Authority's Communications Team.
- 4.5 Research and Support
- 4.5.1 The Democratic Services Team, with assistance from officers with relevant expertise, will be responsible for support activities.
- 4.5.2 An officer will be assigned to support each Review Group and will be responsible for the following:
- Arranging meetings
  - Producing summaries / action notes of meetings
  - Assisting in planning and preparation
  - In conjunction with Members of the Group, undertake research and collate relevant information
  - Organising attendance of participants (internal and external) and any site visits, if required
  - In conjunction with Members of the Group, writing the final review report and recommendations.

- Liaising with other internal departments to identify implications of any recommendations / proposals.

## **5. The Review Process**

### 5.1 Planning and Scoping

5.1.1 Councillors need to be thoroughly involved in the planning of a review. The topic will normally have been chosen through the Forward Work Programme planning process, during the course of scrutiny work or areas identified as requiring improvement (for example via inspection reports). After deciding on the topic a scoping document will be created to plan the review. At the planning stage it is important to establish the parameters of the review and to be outcome focussed. A key question to ask is “what difference will it make?” Focussing on outcomes rather than just receiving information will result in scrutiny work being more effective and adding value to the Democratic process. Groups will be assisted in the planning process by advice provided by officers.

5.1.2 The plan should set out:

- A clear statement of the scrutiny topic.
- The aim (or purpose) of the project.
- The scope of the project – what will be included and excluded.
- Specific questions, concerns or issues that should be addressed.
- How it will contribute to achieving Corporate Priorities and Well-being Objectives
- Initial list of key stakeholders to involve.
- Timescale for completion of the task.

5.1.3 Within the agreed scope, members of the Review Group should decide what information they need, what questions to ask and if external expertise should be involved. This may include which individuals or organisations should be consulted and at what stage further consultation may be appropriate. In addition, the Group should consult appropriate contacts on their views at the planning stage where necessary – for example the Equalities and Communications Teams.

5.1.4 In other words, with regard to collecting information, the Group should agree who, what, where, when and why.

### 5.2 Gathering Information

5.2.1 Once the planning is finished the Group will actively gather its evidence. There are a variety of ways in which this will be undertaken. Listed below are some examples, please note that the list is not exhaustive and a mix of different methods will be used to fit the requirements of the task.

- Written information - such as council documents, national guidance or information from organisations providing a similar service. As previously stated, it is important to establish what information is already available to prevent duplication.
- Information might be gathered from officers, organisations, user groups, the public, interested parties or partners.



- Individuals and groups may be invited to present evidence to the Committee. Questioning should be aimed at trying to understand and explore issues rather than trying to catch the contributor out. Members of the Group should avoid making statements rather than asking questions.
- The Group can issue an open invitation to the general public to attend a meeting to seek views on a topic.
- Site visit or other activities, such as directly trying the service.

5.2.2 Evidence provided to Review Groups by officers should be fact based and not contain recommendations unless presented in the form of options.

5.2.3 Site visits can be an extremely valuable part of the process and could inform the Group's questioning of subsequent contributors. However, the Group needs to establish that a site visit adds value and also consider alternatives such as photographs or video evidence in order to verify that a site visit is the only means by which they can better understand the issues involved in the matter. When undertaking a site visit it is important to observe the following in order to ensure a minimum of disruption to the facility being visited;

- Ensure the lead representative of the facility is clear about the aims of the Group and the purpose of the site visit beforehand.
- The Chair or Vice-Chair of the Group will be the lead member when undertaking any site visits and responsible for ensuring all members attending are aware the following protocol.
- When viewing facilities do so as one group and not as individuals.
- If clarity is required in relation to any issue during the visit, ensure it is the facility representative who is asked to provide the information.
- If some of the issues being discussed during the visit are sensitive be mindful of any staff or members of the public who might be present.

5.2.4 Notes will be written to record what happens at meetings of the Review Groups. The notes will be a summary of the discussion and clear action points. The notes will help to inform the production of the final report.

### 5.3 Reflect, Learn and Draw Conclusions

5.3.1 When the Group has gathered all the evidence it needs the members will assess it and reflect on what they have learned and draw conclusions. A draft report will be written to aid this process. The report of the Review Group must be a clear expression of the views of the Group. This means that it is important for Members of the Group to express their views at the drafting stage and ensure that any recommendations properly reflect their findings.

5.3.2 The Group needs to take into consideration if their recommendations would have a disproportionate impact on any protected groups. If appropriate, advice should be sought from the Equalities Team.

5.3.3 Relevant participants, both internal and external, will normally be given an opportunity to comment on the draft report before the Group finalises its recommendations. This will be an opportunity for any factual corrections to be made.

## 5.4 Report Findings and Recommendations

- 5.4.1 The final review report needs to be unambiguous and written in clear simple language. It must outline the method and key information gathered and be based on facts collected. It will reflect the range of views presented to the Group and contain conclusions and clear recommendations. The recommendations will include timescales for implementation and be fully budgeted, including any resource implications.
- 5.4.2 Generally, when the report is agreed it will be by consensus among all members of the Group. If, however, agreement cannot be reached a formal vote will be undertaken which will be reflected in the front cover sheet for the report to scrutiny.
- 5.4.3 When the Group has finalised its report, the members of that Group will present their report to their parent Scrutiny Committee. As part of this process, the Group will explain the work it has done and ask the Committee to support its recommendations. The Committee can also comment on the report or ask for further work to be undertaken.
- 5.4.4 Following endorsement of the findings and recommendations of the Group by the parent Scrutiny Committee, the report will be submitted to the Executive Board for approval.
- 5.4.6 Lead officers responsible for implementing the approved recommendations and reporting progress regularly to the parent Scrutiny Committee will be identified within the report.
- 5.4.7 Where the Executive Board's decision is not to adopt any or all of the recommendations of the Review Group, the minutes should give a detailed reason for doing so.
- 5.4.8 The parent Scrutiny Committee will monitor the implementation of the recommendations that have been made and agreed by Executive Board or Council.

## 6. Contact

If you have any other questions, please contact the **Democratic Services Team**:

**Address:** Democratic Services  
Chief Executive's Department  
Carmarthenshire County Council  
County Hall  
Carmarthen  
SA31 1JP

**Tel:** 01267 224028

**Email:** [scrutiny@carmarthenshire.gov.uk](mailto:scrutiny@carmarthenshire.gov.uk)

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