



**OVERVIEW AND SCRUTINY HANDBOOK
2020-21**

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Mission Statement

Overview and scrutiny at Sunderland City Council aims to provide outcome focussed, evidence-based review, and support the Council and its partners in enhancing the quality of life of all who live and work in the City by ensuring services are delivered effectively and supporting improvement in services, policies and performance.

Introduction

The Overview and Scrutiny Handbook provides practical guidance to everyone involved with Overview and Scrutiny in Sunderland including members of the public, Councillors, partners, council officers, co-opted members and witnesses.

The guidance in the Handbook should be read alongside Sunderland City Council's Constitution, in particular the Overview and Scrutiny Procedure Rules.

The Handbook includes Protocols setting out the procedures and processes to help the business of the Scrutiny Committees run smoothly. It is important to note that the rules and procedures set out in the Council's Constitution (available on the Council's website at <http://www.sunderland.gov.uk/index.aspx?articleid=1472>) will always take precedence over the Handbook.

What is Scrutiny?

Overview and Scrutiny was set up to consider issues of public concern and make recommendations to improve service delivery.

The Scrutiny function has the following key roles:

- Scrutiny of Cabinet decisions
- Policy review and development
- Performance management and improvement, including monitoring efficiency savings and value for money
- Scrutiny of external organisations

To achieve this, Scrutiny in Sunderland will

- Be led by independent people who take responsibility for their role
- Amplify the voices and concerns of the public
- Provide constructive 'critical friend' challenge, and
- Drive improvement in public services.

Scrutiny of Cabinet Decisions

Scrutiny has a vital role to play within Sunderland City Council. It can ensure that the Cabinet is publicly held to account for its actions and it can seek to promote open and transparent decision-making and democratic accountability.

Cabinet, Council and Service areas have the opportunity to consult with Scrutiny Committees and take advice before taking a decision. In that way, Scrutiny Committees acts as the final check that decisions are made correctly.

There are a number of plans and strategies that are of such significance to the running of the Council's business that they must be taken to the appropriate Scrutiny Committee by Cabinet for advice and consideration before being implemented.

Scrutiny Committees also have the power to 'call-in' decisions taken but not yet implemented to have another look at them before action is taken.

Policy Review

Policy review is one of the overarching purposes of scrutiny - to examine, to question and to evaluate in order to lead to improvement.

The in-depth investigation of particular areas of service delivery and talking to service users is one of the roles of non-executive Members involved in scrutiny in Sunderland.

Scrutiny Committees also make sure their recommendations are implemented, and have the intended improvement on service, by examining the progress of their previous policy reviews.

Copies of all previous policy reviews are available on the Council's website at

<http://www.sunderland.gov.uk/index.aspx?articleid=3420>

Performance Management, Improvement & Value for Money

The Scrutiny Committees are actively involved in performance management and take responsibility for assessing the Council's performance in relation to a number of 'performance indicators'.

Central to this approach are the underlying principles that:

- The Council is responsible for its own performance and for leading the delivery of improved outcomes for local people in the area;
- The Council is accountable to the local community.

The Scrutiny Committees help to provide stronger accountability through greater transparency and the involvement of local people in their scrutiny work to contribute to driving further improvement. The role of scrutiny helps to challenge and improve council and partner services and to take stock of performance to identify areas for improvement and risks.

Scrutiny Committees look to encourage resident feedback and gather information from a range of sources. They consult with the public on proposals that affect them by using a

- Some of the plans referred to Scrutiny by Cabinet include:
- *The Sustainable Community Strategy*
 - *Corporate Improvement Plan*
 - *Children's & Young Peoples Plan*
 - *Housing Strategy*
 - *Youth Justice Plan*
 - *Crime & Disorder Reduction Strategy*
 - *Local Transport Plan*

variety of consultation techniques. This helps to ensure that local public services are held collectively to account for their impact on improving quality of life for residents.

External Scrutiny

Scrutiny assists the Council in promoting the well-being of their communities by carrying out external scrutiny of local partner organisations, monitoring the implementation of city policies.

The statutory duty for local councils and other local service providers to co-operate is enshrined in legislation and this gives scrutiny the ‘teeth’ it sometimes needs to carry out its role. Agencies including the Police, the Youth Offending Service, Clinical Commissioning Group and Jobcentre Plus agree local strategies and targets and work together to deliver them. This provides Scrutiny Committees with a comprehensive and coherent arrangement to work with local partners for the benefit of communities.

A Protocol is included in the Handbook to assist Scrutiny Members and Partners with this working arrangement.

Regional Scrutiny

Scrutiny Members in Sunderland are able to further enhance their expertise, knowledge and understanding by attending regional scrutiny meetings.

A network of scrutiny members and officers in the North East region meets regularly to share ways of working, best practice and to provide networking opportunities to everyone involved in scrutiny.

Additionally, a formal joint health scrutiny committee meets to respond to regional health developments.

Scrutiny in Sunderland 2019

The scrutiny arrangements include one formal, overarching Co-ordinating Scrutiny Committee with a co-ordinating function in relation to the broad strategic issues which may fall within the remit of more than one service-based Scrutiny Committee. In addition, three themed, service-based Scrutiny Committees have the role of scrutiny of service improvement within the broad Sunderland Partnership strategic priorities.

Each Scrutiny Committee can exercise the right to call-in for reconsideration of decisions made but not yet implemented by the executive and/or area committees.

In December 2019 the House of Commons Select Committee published a report on Overview and Scrutiny in Local Government. As a result of this review the Ministry of Housing, Communities and Local Government have published in May 2019 new ‘Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities’, following an extensive review.

The guidance also has some clear advice on the technical aspects of scrutiny – but it does affect a lightness of touch. At various points the guidance is explicit to note that it does not

wish to prescribe – just to offer ideas and a framework within which local scrutiny functions will need to find their own solutions. But inevitably there are points raised which should cause councils to reflect on their own performance. In particular:

- **Role and prioritisation** – scrutiny’s role has to be focused, and the scrutiny work programme needs to be carefully prioritised.
- **Selecting committee members** – the right people have to be selected to be on committees, and to hold the position of chair. The guidance gives a sense of the personal attributes that people in these positions will require. It recognises the political element of chair selection.
- **Access to information** – this emphasises the rights that members have to access information and states that councillors should have regular access to key sources of information which, collectively, will give them a sense of the management of the authority, with a particular focus on performance, finance and risk;
- **Gathering evidence and making recommendations** – the role of the chair in managing the gathering of evidence is seen as especially important – as is the work of members in pulling together focused and achievable recommendations.
- **Resourcing** – it perhaps goes without saying, but the resource must be available to ensure that the above things can happen properly.

A link to the full guidance is available here for Members information:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/800048/Statutory_Guidance_on_Overview_and_Scrutiny_in_Local_and_Combined_Authorities.pdf

Scrutiny Co-ordinating Committee

The Scrutiny Co-ordinating Committee will act as the designated Scrutiny Committee for statutory purposes for crime and disorder and flood risk. It will also act as the overarching committee where a matter falls within the remit of more than one thematic scrutiny committee, to determine where the issue should be allocated.

The additional remit of the Scrutiny Co-ordinating Scrutiny Committee is to review and scrutinise the functions of the Council relating in particular to:

- The Budget;
 - City Plan;
 - External assessments;
 - Performance monitoring, quality standards and value for money;
 - Property and facilities management;
 - Information Technology;
 - Organisational development.
-

Health and Wellbeing Scrutiny Committee

The remit of the Health and Wellbeing Scrutiny Committee is to review and scrutinise any matter relating to the planning, provision and commissioning of health services for adults and children including:

- Adult social care;
- Mental health services;
- Public Health;
- Wellness;
- Decent Homes.

The Council's Health and Wellbeing Scrutiny Committee has been designated with statutory obligations in regard to scrutiny of health services. The powers of overview and scrutiny under the Health and Social Care Act 2012 enable councils to review matters relating to the planning, provision and operation of health services in its local authority area. It is also the duty of each local provider to consult through the Council's scrutiny mechanisms on any proposals for a substantial development of the health service, or in making a substantial variation in the provision of such services. It should be noted that the council can choose not to be consulted on such an issue if it does not believe that it would add additional value to the involvement and consultation already undertaken.

Children, Education & Skills Scrutiny Committee

The remit of the Children, Education and Skills Scrutiny Committee is to review and scrutinise any matter relating to the commissioning of services for children, young people and their families including:

- Safeguarding and child protection;
- Family support and children's social care;
- Corporate parenting;
- Educational attainment and skills;
- Relationship with schools;
- Youth Services.

Economic Prosperity Scrutiny Committee

The remit of the Economic Prosperity to review and scrutinise:

- The aims of the Economic Masterplan;
- Safer Sunderland;
- Licensing & Trading Standards;
- Strategic Transport;
- Environmental services;
- Libraries, heritage and tourism.

Because scrutiny is a member-led process, the relationship between the Chair / Vice-Chair and support officers is an important one. For example, the Chair / Vice-Chair may work with the support officer in advance of the meeting to identify appropriate witnesses and prepare lines of questioning.

Scrutiny Committees – The Way of Working

Scrutiny should operate in a way that is:

- Inclusive
- Transparent
- Non-Partisan
- Democratic
- Deliberative

This approach will provide clarity and purpose to the role of the Scrutiny function in providing accountability, seeking efficiency and improving service delivery.

All Scrutiny Committee meetings are open to the public. Meetings are held on regular, pre-arranged dates. Occasionally confidential or exempt matters need to be discussed but most of the time the Scrutiny Committees will meet in a way that makes the meetings open and accessible to anyone who wants to attend. Each agenda is available five working days before the date of the meeting. These can be obtained from the Civic Centre or online at <http://www.sunderland.gov.uk/committees/cmis5/CommitteesandNotices/201415.aspx>

The Council has a duty to involve local people to ensure that they have greater opportunities to have their say. Scrutiny in Sunderland will consider information provision, consultation and involvement opportunities that are made available to it in support of this duty.

For the Scrutiny Committees to have the information they need to carry out their role, they may require the attendance of any member of the Cabinet, Head of Service or any senior officer to provide evidence. To make sure that the Committees can carry out its business effectively, it is the duty of any officer of the Council to attend if asked to do so. Scrutiny members may also invite partner organisations to attend meetings and it is a duty of those organisations to provide information to assist the appropriate Committee in carrying out its business.

Council officers, partners and members should see the process as a partnership. Members are expected to ask probing questions in order to get the information they need. Officers are expected to respond openly and should not just limit themselves to answering questions but also be proactive in providing information that they feel it would be useful for members to know.

What Issues do Scrutiny Members Consider?

A number of development sessions are held prior to the beginning of each municipal year to set the context of scrutiny. These events are attended by key officers, partners and stakeholders, along with Scrutiny Members and provides the opportunity for debate and discussion about the work programme for the year ahead.

Topics can come from a number of sources including:

- Issues identified by the Council and its partner organisations as priorities

- Referrals from Cabinet, Area Committees
- Feedback from residents' surveys and other public consultation
- Issues raised at councillors' surgeries
- Petitions
- Complaints to the Council about service delivery

Subsequently, Chairs, Vice-Chairs and Scrutiny Members decide which topics are to be considered at the various Scrutiny Committees, Annual Work Programmes are agreed which reflect the work the committees intend to carry out.

Items can also arise from the Councillor Call for Action mechanism which allows Members to ask for discussions on issues where local problems have arisen and where other methods of resolution have been exhausted. Scrutiny has the power to be able to coordinate and organise public meetings involving a range of partners who will be able to contribute views to finding solutions to intractable issues.

Scrutiny Team and other Key Contacts

The Scrutiny Committees are supported by a dedicated team of officers based within the Corporate Services Directorate.

The scrutiny function is led by Elaine Waugh, Assistant Director of Law and Governance who is responsible for strategic management, with a Scrutiny and Member Support Coordinator and two Scrutiny Officers working exclusively for the Scrutiny Function.

Elaine Waugh, Assistant Director of Law and Governance Tel: 0191 561 7849 Elaine.waugh@sunderland.gov.uk	
Gillian Robinson, Scrutiny and Member Support Coordinator Tel: 0191 561 1948 gillian.robinson@sunderland.gov.uk	
Nigel Cummings, Scrutiny Officer Tel: 0191 561 1006 nigel.cummings@sunderland.gov.uk	Scrutiny Coordinating Scrutiny Committee Health and Wellbeing Scrutiny Committee
Jim Diamond, Scrutiny Officer Tel: 0191 561 1396 james.diamond@sunderland.gov.uk	Children, Education & Skills Scrutiny Committee Economic Prosperity Scrutiny Committee

The Scrutiny Officers support members in their scrutiny role by:

- Ensuring delivery of the work programme and policy reviews
- Researching and preparing reports on many of the topic areas in the work programme
- Project planning of policy reviews, investigation and delivery of a Final Report
- Identification of and liaison with witnesses
- Preparing briefings and background information
- Research and analysis

- Consultation
- Establishing and maintaining links with partner organisations
- Contributing to the training and development of members' scrutiny skills
- Assisting in raising the profile of overview and scrutiny locally, regionally and nationally
- Offering advice and guidance to Members during meetings.

Other Officer Support

Governance Services Officers provide additional support to the Scrutiny Committees. They are responsible for:

- Preparing agendas and minutes
- Maintaining Committee records in compliance with legal requirements
- Making practical arrangements for the meetings such as dates, times and venues and liaising with Chair, Vice-Chair and advising other members as appropriate
- Providing advice to the Chair and members on procedural matters, the conduct of meetings, the application of the constitution, and declarations of interest
- Providing links to other parts of the Council committee structure and the Cabinet such as managing call-in arrangements, the progress of Article 4 Plans and reporting Scrutiny Committee comments to Council
- Acting as a point of contact for enquiries about Scrutiny Committee agendas.

Where to find out more about Scrutiny in Sunderland

The Council's Scrutiny function has a dedicated web page on the Council's internet. This can be found at <https://www.sunderland.gov.uk/scrutiny>

This includes information about membership of the Scrutiny Committees, work programmes, annual reports and previous policy reviews.

General enquiries and comments about overview and scrutiny in Sunderland can be sent to overviewandscrutiny@sunderland.gov.uk

**Scrutiny Coordinating
Committee**

Doris MacKnight, Paula Hunt, Darryl Dixon, James Doyle, Juliana Heron, Keith Jenkins, Fiona Miller, Antony Mullen, Stephen O'Brien, Pat Smith, Mel Speding, Dorothy Trueman, Doris Turner and Susan Watson

To review and scrutinise the functions of the Council relating in particular to the Budget, Corporate Plan, External Assessments, Performance Monitoring, Quality Standards and Value for Money, Property and Facilities Management, Information Technology, Organisational Development, Workforce Strategy, Governance, Customer Service and Communications. To act as the designated scrutiny committee for statutory purposes for crime and disorder and flood risk.

**Children, Education and
Skills Scrutiny Committee**

Pat Smith, Dominic McDonough, Margaret Crosby, Paula Hunt, Pam Mann, Fiona Miller, Joshua McKeith, Michael Mordey, Alex Samuels, Lynda Scanlan, Phil Tye and Karen Wood

To review and scrutinise any matter relating to the service performance and commissioning for children, young people and their families including Safeguarding and Child Protection, Family Support and Children's Social Care, Corporate Parenting, Educational Attainment and Skills, Relationship with Schools and Youth Services.

**Economic Prosperity
Scrutiny Committee**

Doris Turner, Melanie Thornton, James Blackburn, William Blackett, Michael Dixon, Heather Fagan, Stephen Foster, Julia Jackson, Keith Jenkins, Christine Marshall, Alex Scullion and Tony Taylor

To review and scrutinise any matter relating to the economic prosperity of the city and the performance of related services including Physical Infrastructure, Sector Growth & Skills, Economic Vibrancy, Safer Sunderland, Licensing & Trading Standards, Strategic Transport, Environmental services, Libraries, Heritage and Tourism.

**Health and Wellbeing
Scrutiny Committee**

Darryl Dixon, Michael Butler, Ronny Davison, Michael Essl, Helen Greener, Juliana Heron, Martin Haswell, Shirley Leadbitter, Neil MacKnight, Pam Mann and Barbara McClennan

To review and scrutinise any matter relating to the service performance, service provision and the commissioning of health services for adults and children including Adult Social Care, Mental Health Services, Public Health, Wellness and Decent Homes. To act as the designated scrutiny committee for statutory purposes for health.

Role Description of Chair of a Scrutiny Committee

The Chair provides leadership to the Scrutiny Committee:

- When chairing and managing meetings, including ensuring that high standards of conduct and courtesy are maintained
- By keeping the Committee focussed in pursuit of its priorities, ensuring the work is constructive and adds value to the Council and the community
- By effectively managing the business of the meeting including: providing sufficient time for effective scrutiny of each item; handling conflict; including everyone in the discussion; summarising to confirm agreement and ownership of actions/decisions/important points and to refocus discussions as necessary.
- When building good working relationships with Executive Members and Senior Officers, through securing their engagement in discussions about Work Programmes
- When making sure officers, members and other witnesses appearing before the Committee are treated with courtesy and consideration
- By leading the committee in ensuring that it fulfils its responsibilities for policy development and review and scrutiny, and maintains the integrity of policy development and review
- When acting as the spokesperson for the committee in publicising the findings of major policy reviews and being the lead member for the Committee on disseminating findings and conclusions from delivery of the Work Programme.

The Chair leads and manages a member led work programme:

- By ensuring that the work programme is developed with input from committee members, the Cabinet, Officers and the community.
- When working with the scrutiny officer to plan activities, decide on the business to be undertaken at each meeting and the methods to be employed
- When making best use of the time and skills of committee members as well as specialist expertise inside and external to the Council to deliver the work programme
- By considering and using various methods to encourage and enhance community participation in the development of topics and policy options
- By leading targeted reviews of existing policies and the development of new policies.

The Chair promotes a robust and open scrutiny function:

- By holding Executive to account in respect of decisions taken
- By ensuring the Committee monitors the Council's decision making process
- When overseeing call-ins
- By ensuring the Committee monitors the council's performance
- When leading Scrutiny of external reports on council performance
- By keeping abreast of the work of any short life task and finish groups
- When identifying training and development needs that apply to the Committee and to individual members and take action to enable them to access the appropriate support
- By keeping up to date on national and local issues and consider impact on work programme

The Chair ensures compliance with the constitution and protocols for scrutiny:

- By ensuring that meetings take place in accordance with the arrangements set out at the start of the year
- When liaising with officers to ensure that agendas are available in a timely way, advising interested parties and participants of the business to be addressed at each meeting
- When managing any finances made available to the Committee in order to deliver its Work Programme
- By making the annual report to full Council on the workings of their Committee, making recommendations for future work programmes, and amending working methods if appropriate
- When requesting full Council to approve the cooption of members as required for a limited time or for a specific purpose
- When reporting back to the Committee on any decisions that the Chairs and Vice Chairs have taken where relevant
- By attending bi-monthly meetings of the Chairs and Vice-Chairs and those held quarterly with the Executive liaising with Executive Members at appropriate times on significant issues which are relevant to their portfolios and the work of scrutiny.
- By attending the Management Scrutiny Committee when requested to coordinate progress on work programmes.

Role Description for Vice Chair of a Scrutiny Committee

The role of the Vice-chair is to support the Committee Chair in their management role and to promote the development of the overview and scrutiny function.

The Vice Chair is effective:

- When chairing and managing meetings in the Chair's absence
- When playing a leading role in scoping overview and scrutiny reviews
- When playing a leading role in evidence gathering and consultation to support overview and scrutiny reviews
- When playing a leading role in Task and Finish Groups set up by the Committee

The Skills for the Vice Chair of Scrutiny Committee is as the Chair.

Issues raised by members

Any Member of the Council can add an item of business to a Scrutiny Committee agenda. Requests should be made in writing to the Head of Law and Governance and will be submitted to the next available Scrutiny Committee in consultation with the Chair of the Committee. Scrutiny Committee Chairs retain the discretion to orally request items to be considered by the Scrutiny Committee. In the case of urgent items, Members should therefore approach the Chair of the appropriate Committee for consideration of urgent business.

On receipt of such a request, the Scrutiny Coordinator will ensure that it is included on the next available agenda. The Committee will provide the member with a copy of the report or recommendations which it makes to the Council or to the Executive. If the Committee decides not to exercise its powers, it will notify the member of its decision and the reasons for it.

Issues raised may be in relation to any public services or, policies.

Some issues are excluded from being raised in the Scrutiny Committee such as planning or licensing decisions. Local issues may be more appropriately dealt with by an Area Committee / Board or by providing information outside of Committee. Where local issues remain unresolved there is a process for a Councillor to raise a Call for Action and a separate protocol is included within the Handbook to clarify this procedure. As each request may require a different response it is important that a Member makes clear when submitting a request whether the request should be dealt with in accordance with paragraphs a) and b) below or requiring an item to be included on the agenda for consideration at the next available Scrutiny Committee meeting to be dealt with in accordance with c) below.

- a) **Request for general information:** Requests for general information in relation to matters falling within the scope of the Scrutiny Committee (including topics under policy review) to be made to the relevant Scrutiny Officer. The Member shall receive a prompt acknowledgement of the request and a substantive response within 15 days, if possible.
- b) **Request for information on specific issues raised by constituents:** It is not appropriate to refer individual casework to the Scrutiny Committee however there may be circumstances when a constituency case give rise to an issue of principle affecting a significant number of local people, and in that case a Member may wish to refer the item to an Area Committee / Board or request an item to be included on the agenda of the Scrutiny Committee in accordance with c) below.
- c) **Items requested by Members to be included on the agenda:** On receipt of a written request, the relevant Scrutiny Officer will acknowledge the request in writing advising the Member of the earliest agenda for inclusion. The Member making the request should attend that Committee meeting to present the item. For the avoidance of doubt the Member making the request shall have a full opportunity of explaining the background to the issue which is the subject of their request and how they consider the Council should respond.

It is for the Scrutiny Committee as a whole to determine the appropriate response based on the following framework:-

1. The Scrutiny Committee may determine that the item is not relevant to the functions of the Scrutiny Committee. In these circumstances the Committee can resolve to take no action or may refer the item elsewhere e.g. to an Area Committee / Board.
2. If the issue is linked to an existing work programme item (within the next two cycles) then it should be discussed as part of that item and included in any officer report.
3. If the issue is a new item of business within the remit of the Committee, the Scrutiny Committee may:
 - a. Request a response in writing (with copies to all Members of the Scrutiny Committee) or
 - b. Request a presentation to a future Scrutiny Committee, or
 - c. Request a report to a future Scrutiny Committee or
 - d. Decide that the issue raised does not merit any response beyond noting the matter or
 - e. Decide to express a view or make a recommendation, by resolving accordingly, if the Committee considers it has sufficient information to make a fully informed decision.

What is a Councillor Call for Action?

Councillor Call for Action (CCfA) is a process for a councillor to act on behalf of residents to resolve a local issue of concern, acting **as a last resort** for people who cannot get issues resolved through any other means. Ward councillors should identify CCfAs in their community, but CCfAs can also be raised by local people directly with their ward councillors or by external partners.

The decision to raise and champion a CCfA lies with you as the councillor. The CCfA is intended to provide greater emphasis to the work undertaken by you in your community as community advocates and champions, and to further increase the accountability of public service providers to local communities.

CCfA has been a legal requirement from 1 April 2009 and councillors are under a **duty** to consider requests from members of the public on certain issues.

What distinguishes the CCfA from items and topics already raised by councillors for consideration by scrutiny is:

- **Any** member can raise a CCfA issue for scrutiny to consider
- The focus of the CCfA is on **neighbourhood** or **locality** issues and specifically the **quality** of public service provision at a locality level.
- The CCfA represents a genuine local **community** concern (based on local councillors' judgements) and
- It is a **persistent** problem which the local councillor has been **unable to resolve** through local action and discussion with relevant services and agencies.

What is the Process

The CCfA mechanism ensures the signposting and escalation of local issues to the most appropriate body for resolution. In addition to the Scrutiny Committees, CCfA's can be referred to Area Committees and the Sunderland Partnership, where considered appropriate.

Upon receipt of a CCfA, the request will be considered by the Scrutiny Committee in the first instance, in consultation with the Scrutiny Coordinator to determine the most appropriate route for it to follow in order to be dealt with.

To assist in determining the appropriateness of undertaking an investigation triggered by the CCfA referral route, the following selection criteria should be followed at the point of the referral being considered at the next available meeting:-

- (i) Clear evidence that reasonable attempts have been made to resolve the issue with relevant partners and council departments;
- (ii) Has a significant impact on a group of people living within the Sunderland area;
- (iii) Relates to a service, event or issue in which the Council has direct responsibility for, significant influence over or has the capacity to act as public champion;

(iv) Not be an issue that has been considered by scrutiny or area committees during the last 12 months (unless circumstances have changed substantially);

(v) Not relate to an on-going service complaint or petition (including the ability to exclude any matter which is vexatious, discriminatory or not reasonable);

(vi) Not relate to matters dealt with by another Council committee, unless the issue deals with procedure and policy related issues;

(vii) If meets the criteria, agree which body most relevant to consider further, Scrutiny, Area Committees or the Sunderland Partnership.

The above criteria ensures that referrals are undertaken in an open and transparent way and provide a formal record as to whether the issue is worthy of further investigation together with the agreed course of action and any associated timescales.

Scrutiny reviews resulting from a CCfA will be undertaken by the relevant scrutiny committee which will include councillors from the affected locality. There is an expectation that any scrutiny reviews resulting from CCfA on the **ward-based scrutiny issues** will be 'short and sharp', focused reviews - it is important that the public see this as a responsive and un-bureaucratic process which delivers tangible outcomes.

What is expected of you?

Essentially Councillor Call for Action (CCfA) is a form of recognition of the work you undertake as a ward councillor in taking up local issues on behalf of your community. You are expected to identify issues of local concern and act with and on behalf of your community to resolve those issues. It is up to you using this guidance to decide:

- Which issues you take forward as CCfAs and champion;
- When an issue should be referred to the most appropriate body; and
- When to reject an issue.

It is a matter of judgement which requests you agree to champion and as a local councillor you are accountable to your local community for these judgements. Championing a request will mean taking the issue up on behalf of the resident(s) concerned and trying to resolve the problem by liaising with council officers, and/or outside agencies.

Councillors deal with issues of concern on behalf of their constituents as an everyday part of their constituency case work. The CCfA is not intended to add additional bureaucracy to these ward councillor requests, which will continue to be dealt with in the same way as they are now. If you are uncertain about whether a request might be appropriate, the Scrutiny Team can provide advice and assistance to you and to the member of the public making the request.

Checklist for Councillors using a CCfA

Initial consideration and actions

1. Discuss with other ward councillors (check their actions and intentions and whether they can help).

2. Take steps to resolve the issue through existing mechanisms such as contacting Council Officers (including the Scrutiny Team), liaising with other organisations, or checking whether it can be fed into an existing review already being undertaken.
3. If the issue is resolved, inform the resident of the outcome and the steps taken, including any difficulties or learning points.
4. If the issue remains unresolved, consult the Scrutiny Team and if appropriate formally request that the item be considered for referral to the most appropriate Scrutiny or Area Committee(s) or the Sunderland Partnership.

[A flow chart of the CCfA process is provided as Appendix 1 and takes you through each step of the process].

The issue can be **accepted** if it is:

1. An issue of genuine local concern; and
2. Other avenues for resolution have been followed, and
3. You believe that this is now the most appropriate way for it to be dealt with.

The issue should be **rejected** if it is any of the following:

1. An individual complaint or a complaint currently or previously dealt with under the Council's Complaints procedure;
2. An issue relating to an "excluded" matter such as planning or licensing or another issue where individuals or entities have a right of appeal (other than a complaint to the Ombudsman);
3. Vexatious, discriminatory or not reasonable;
4. Being used as a "second bite of the cherry" e.g. where a previous call-in has failed, or a petition has already been considered.

Alternatively, it may conclude that the public interest is best served by making a recommendation on request to another agency or body or referred to Cabinet for consideration. The Scrutiny Committee should endeavour where possible to identify an appropriate "resolution" of the issue.

How does CCfA fit with the Scrutiny Work Programme?

Currently scrutiny members can put an item on a Scrutiny Committee agenda using the arrangements set out in Protocol 1. These arrangements remain unchanged. The public have the opportunity to suggest topics and reviews through contacting the Scrutiny Team or by contacting their local councillor.

The aim of Scrutiny is to be as strategic as possible, championing issues on behalf of the community so it is possible that a CCfA topic may already be included in a Scrutiny Committee work programme, for example through a policy review.

It is valuable for CCfA issues to feed into the broad scrutiny work programme, and vice versa. The purpose of CCfA is to give members more of a voice, and scrutiny itself is a member-led process. CCfA can sit comfortably alongside existing methods for placing items

on scrutiny work programmes. CCfA should make the work programmes more relevant and timely.

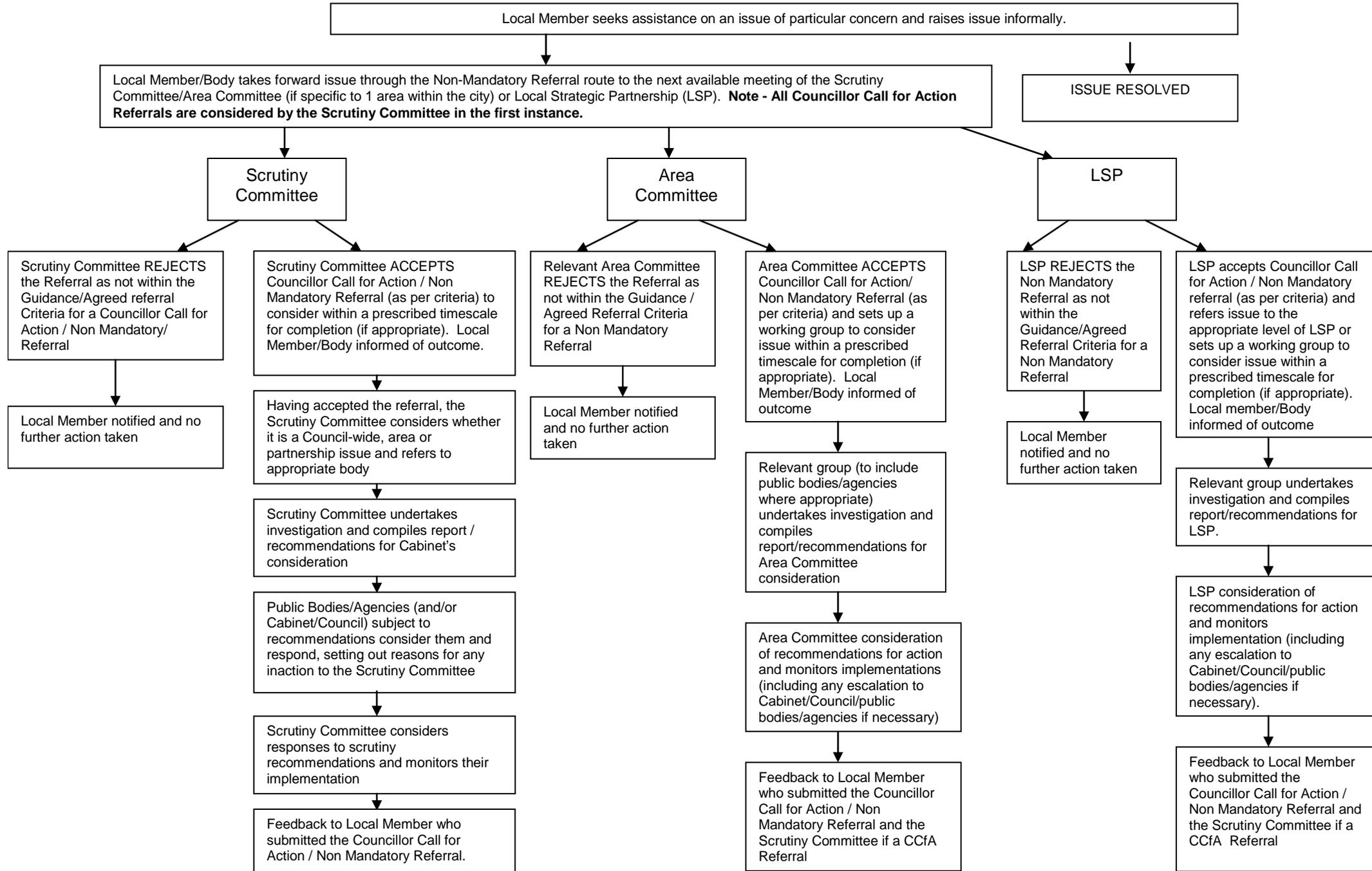
Scrutiny Committees will be asked to identify if a CCfA is appropriate for scrutiny ensuring that the issues scrutinised and reviewed are of genuine community concern.

Where considered appropriate for a Scrutiny Committee to receive a CCfA, a meeting will be convened in the community affected, where possible, and aim to meet with all partners involved, gather evidence and identify appropriate recommendations. Relevant ward councillors will be invited to take part in the meeting.

A report will be compiled giving recommendations for Cabinet's consideration. The relevant public body which is subject to the recommendations shall consider them and respond, setting out reasons for any inaction to the Scrutiny Committee. This can include Cabinet and Council where appropriate.

The Scrutiny Committee shall then consider the responses to scrutiny recommendations and monitor their implementation. Feedback will be given to the local member who submitted the CCfA.

PROPOSED PROCEDURE FOR THE CONSIDERATION OF COUNCILLOR CALL FOR ACTION/NON-MANDATORY REFERRALS TO OVERVIEW AND SCRUTINY



Call-In

Scrutiny has the power to call in executive decisions made but not yet implemented. The purpose is to consider whether to recommend that a decision be reviewed by the Executive. Call-in provides an opportunity to ensure that the Council adheres to the principles of good decision making.

Call-in applies to key decisions taken by the Executive (Cabinet), a Committee of the Executive or an officer under delegated powers. It also applies to any decision which is taken by the Executive which is, or if taken would be, contrary to the policy framework, or contrary to or not wholly in accordance with the budget.

Scrutiny Committees cannot change a decision – but it can refer it back to the decision maker for review and reconsideration.

Call-in acts as a check and balance to the exercise of Executive functions and should only be used in exceptional circumstances. Call-in cannot be used to intervene in day to day management or operational decisions. Nor should it be used to unreasonably or unduly delay the decision making process.

Principles of Call In

In reaching a decision, the decision maker, whether Cabinet, Committee or an officer acting under delegated powers, should follow the principles of good decision making, and can only take decisions within the budget and policy framework. As with all Local Authority decision making, the decision-maker must have taken account of all relevant facts and issues, and ignored any that are not relevant. The decision taken must be within the range of decisions it is reasonable for the decision-maker to take – in other words it is not a decision that is so unreasonable that no reasonable authority could ever have come to it (called a "Wednesbury reasonable" decision).

Members may call-in a decision when there is evidence to suggest that a decision has not been taken in accordance with the principles of good decision making as set out in Article 13 (Decision Making) of the Constitution, which expand on the Wednesbury principles described above. A decision may also be called-in if Members are of the opinion that it is, or would be, outside the budget and policy framework.

The principles set out in Article 13 are as follows:-

- (a) Proportionality (i.e. the action must be proportionate to the desired outcome);
- (b) Due consultation and the taking of professional advice from officers;
- (c) Respect for human rights;
- (d) A presumption in favour of openness; and
- (e) Clarity of aims and desired outcomes.

Procedure for Call-In – Breach of principles of good decisions making

The Chair of the Scrutiny Coordinating Committee or any seven members of Council may call-in a decision. The request for a call-in should be made to the Head of Law and Governance.

Those members requesting a call-in should explain the reasons for the call in and why they consider that the principles of good decision-making have not been satisfied.

A call-in request form should be completed, setting out the reasons why they feel the principles have been not been complied with to allow the Committee to understand the reason for call in. These should be demonstrably well founded having regard to the principles of call-in set out above.

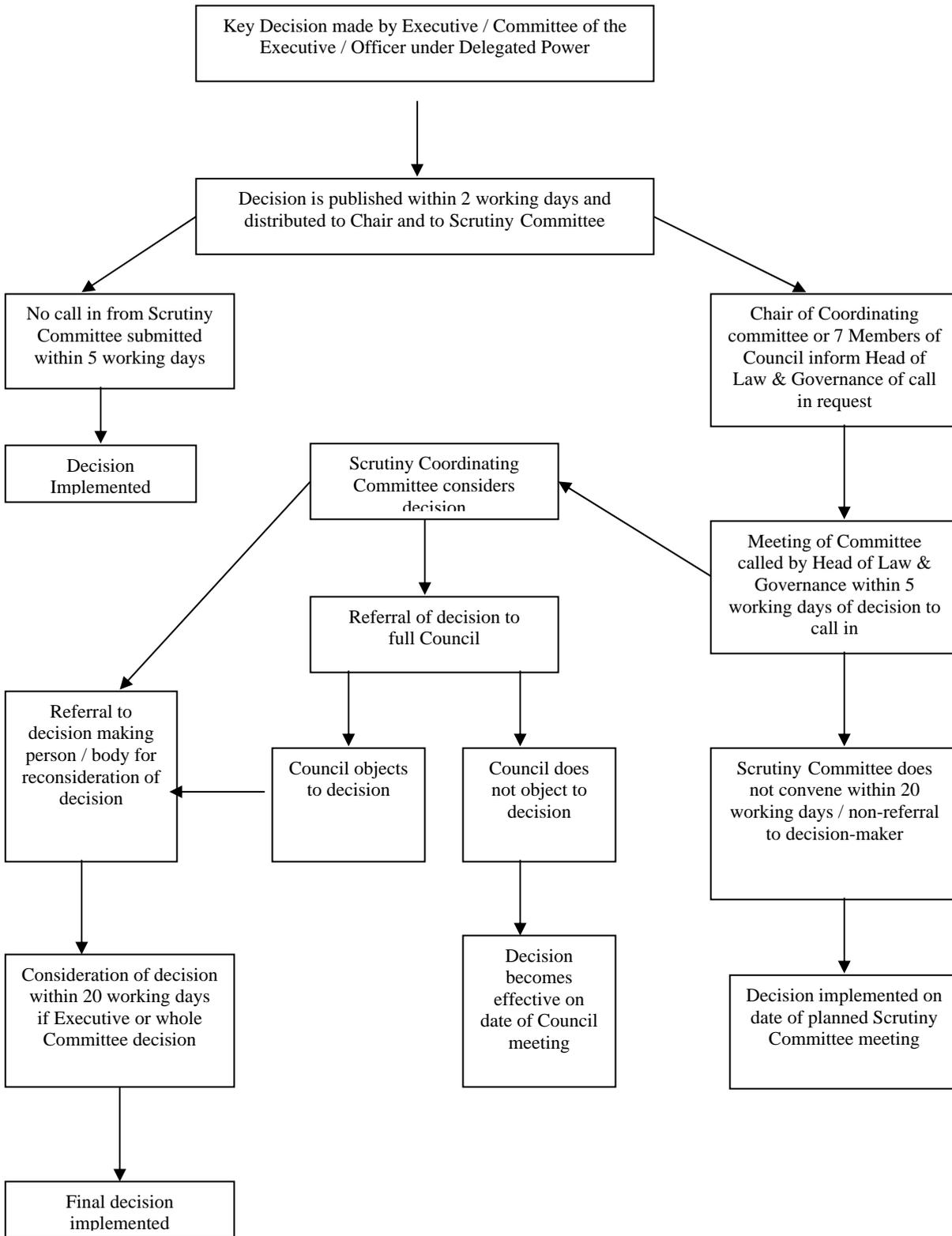
The Head of Law and Governance shall call a meeting of the Committee, where possible after consultation with the Chair, within five working days of the decision to call-in and also notify the decision-taker of the call-in. The requirement is to call the meeting, not call and hold the meeting within five working days (generally this will be the next ordinary meeting of the Committee). The order of the item on the agenda shall follow the provisions set out in the constitution. The agenda item will include a copy of the report, the minute of the decision and the reasons given for the call-in.

The diagram below sets out each step involved in the process for considering call-in.

Following consideration of the issues, based on a review of the background for the decision against the principles of good decision making the Committee may come to one of three possible conclusions:-

- i. That the decision is appropriate and therefore should be implemented without further delay;
- ii. That the Committee has concerns and considers that the decision should be reviewed by the decision maker for reconsideration. (When referring the decision back the Committee shall set out its concerns in writing for the decision maker to take into account on their reconsideration.)
- iii. That the Committee has concerns and considers that the decision should be referred to full Council.

CALL-IN OF EXECUTIVE DECISIONS



Procedures for Call-in – Decisions outside the Budget or Policy Framework

The Policy Framework is made up of those plans and strategies, including the budget, identified under Article 4 of the Constitution.

If the Committee forms the opinion that the decision is, or if made would be, contrary to the policy framework, or contrary to or not wholly in accordance with the budget, the Committee shall call for advice from the Monitoring Officer and/or Chief Finance Officer, or both, as the circumstances require. It is for the Committee to decide whether the issue is one for the Monitoring Officer or Chief Finance Officer or both. If the decision has not been taken or has been taken but not implemented and the Monitoring Officer and/or Chief Finance Officer concludes there is or may be a departure, the Committee may refer the decision to Council. No action is to be taken on the decision, or if it has already been taken, on implementation of the decision, until Council has met and considered the matter.

For Executive functions the Monitoring Officer and /or Chief Finance Officer shall report to the Executive and supply a copy of the report to every Member of the Council.

Cabinet will meet to decide what action to take, and will report on the following basis, either:

- Where the Monitoring Officer/Chief Finance Officer conclude that there was a departure from the budget or from the policy framework – Executive reports to Council
- Where the Monitoring Officer/Chief Finance Officer conclude there was no departure from the budget or from the policy framework - Executive reports back to the Scrutiny Committee,

Where appropriate the Council will meet within 28 days of receiving the Scrutiny Committee's request.

The Council will receive	<ul style="list-style-type: none"> • Executive report of the decisions/proposals • Advice of Monitoring Officer and/or Chief Finance Officer
The Council may choose to	<ul style="list-style-type: none"> • Endorse the decision as within Budget and Policy framework; • Find the decision contrary to the Policy Framework or contrary to or not wholly in accordance with the Budget, but make amendments to the financial regulations or policy concerned and agree the decision with immediate effect; • Find the decision contrary to the Policy Framework or contrary to or not wholly in accordance with the Budget, and require the decision maker to reconsider the decision in accordance with Monitoring Officer/ Chief Finance advice.

Limits of Call In

There are certain limitations placed on the use of call in. This is to ensure call in works as a check and balance on Executive decisions but is not abused or allowed to cause undue or unreasonable delay. These are that:-

- i. A Member may only call-in 4 decisions a year.
- ii. Only key decisions may be called in, other than those policy and budget proposals being referred to Council for decision.
- iii. Once a member has signed a request for a call-in he/she may not do so again for three months.

Committee Approach to Call in

At all times members of the Scrutiny Committee will be conscious that call-in is designed to act, not as a brake, but as a check and balance within the decision making process under Executive arrangements. Members will wish to make measured use of the call-in function, to achieve this, while ensuring that the day to day business of delivering Council services can be carried on efficiently and effectively.

The Scrutiny Committee considering a decision called-in will have regard to the usual principles for operation of the Scrutiny Committee, which is that the Committee operates in a way that is inclusive, transparent, non-partisan, democratic and deliberative.

Call-in and Urgency

The call in procedure does not apply to a decision which the Chair of the relevant Scrutiny Committee has properly certified an urgent decision.

A decision is considered urgent if any delay would seriously prejudice the Council's or the public interests.

As a safeguard to prevent any misuse, the Chair of the Scrutiny Coordinating Committee must agree that the decision proposed is reasonable and to it being treated as a matter of urgency. In the absence of the Chair, the vice chair and in the absence of consent, the head of paid service or his/her nominee's consent shall be required.

Call-in Request Form

The form requires those calling in a decision to set out which decision they wish to call in and the reasons for the call.

The form brings clarity to the process, focusing the minds of Members on the purpose of call-in and making clear that the call-in should be based on the decision making process rather than personal or political beliefs.

It can also allow the decision maker a greater opportunity to prepare in advance of the meeting.

CALL-IN REQUEST FORM

1.	Decision to be called in:	
2.	Decision made by : (Tick the choice which applies)	<input type="checkbox"/> The Cabinet <input type="checkbox"/> Committee of Cabinet <input type="checkbox"/> A Delegated Officer Name of Committee or Delegated Officer: _____
3.	Date decision was made:	
4.	Are you calling in the decision because you believe it to be outside the Budget or Policy Framework? <p style="text-align: center;">Yes / No</p>	Are you calling in the decision because you believe it is contrary to the principles of good decision making? <p style="text-align: center;">Yes / No</p>
5.	Reasons for the call-in:	

Signatures To be valid the request must be supported by either the Chair of the Scrutiny Coordinating Committee or by seven members of Council. This can be demonstrated by having the members sign the form (they can sign separate copies if this is easier).

Signature of the Chair

	Name	Signature
Chair		

Signatures of seven Members

Name	Signature
1.	
2.	
3.	
4.	
5.	
6.	
7.	

Contact Details:	
Name of person to be contacted if there are any difficulties or questions	

SUNDERLAND EXTERNAL SCRUTINY PROTOCOL

Introduction

The role of Scrutiny is to hold the Executive to account, to review and develop policy and to scrutinise the work and impact of external agencies on the local community. Since the original legislation in 2000 that introduced Overview and Scrutiny to local authorities, Councils have been granted additional powers which are consolidated under the Localism Act 2011 granting powers to local authorities to hold to account all agencies delivering public services.

The Councillor Call for Action provision continues to provide a 'last resort' mechanism for overview and scrutiny to try to resolve persistent local service delivery issues of genuine community concern, where all efforts by a local councillor to find a solution through local action and discussion have been unsuccessful.

These powers are all intended to enable the Scrutiny function to hold service providers¹ to account for their performance, including their work with a local authority to meet specific local targets.

These are positive developments: if there is to be further devolution of public service delivery to enable residents' needs to be met more effectively, local government needs to strengthen its structures and processes of local accountability.

In order for these scrutiny powers to be effective, it is vital that all partners and stakeholders are engaged in the process and share a common understanding of the aims of Scrutiny. This protocol has therefore been developed to embody that understanding and set out the rights and responsibilities that relate to the parties concerned.

Scrutiny of other organisations external to the Council – whether in the public, private or voluntary and community sector – is also a key element of Scrutiny's work and likely to increase in importance as Councils and Councillors develop their community leadership and place shaping role.

For Scrutiny, this includes:

- (a) involving local people and community organisations in scrutiny activity;
- (b) developing a dialogue with service providers and other stakeholders outside the Council;
- (c) taking up issues of concern to local people;
- (d) reviewing whether goals are being achieved; and
- (e) examining what can be done to solve problems and enhance performance and achievement.

¹ For the purposes of this protocol, the term 'service providers' refers to all local agencies organisations whose activity affects the people who live, work or learn in the City of Sunderland.

This protocol is based on good practice principles for scrutiny and the standards set out below are intended to be applicable to all scrutiny activities involving organisations external to the Council.

A list of documents underpinning this protocol is set out at the end of this document.

Aims of Scrutiny

The overall aims of Scrutiny in Sunderland are:

- (a) To scrutinise the impact of the Council's own services and those of key partnerships and other service providers on those who live and work in or visit Sunderland, with a view to improving their well-being, improving services and helping to deliver the aims of the Sunderland Corporate Plan.
- (b) To undertake the above work in accordance with the relevant legislation governing the operation of Scrutiny and with regard to best practice.

Underlying Principles of Scrutiny

The following underlying principles of scrutiny have been proved, in Sunderland and elsewhere, to assist in securing effective outcomes and adding value:

Collaboration

- (a) Improvement in service delivery can best be achieved through partnerships between the Council and other service providers. This shared responsibility should be acknowledged in any scrutiny activity undertaken.
- (b) Increasingly services are provided jointly or as the result of partnerships between the local authority and other public sector organisations or other partners. Scrutiny activities should therefore also reflect shared priorities, find shared solutions and be of mutual benefit.
- (c) Whilst scrutiny should be constructive and challenging, it will only be successful if all partners work together considerately, within a climate of mutual respect and good faith. Partners should be able to raise issues openly with the Scrutiny Team with a view to agreeing a mutually acceptable resolution.
- (d) Although collaboration is an underlying principle, Sunderland's Scrutiny Committees are independent of other service providers and partners.

Added Value

- (e) It is vital that scrutiny brings something new to reviews of local service provision and does not duplicate the many other forms of performance management and inspection that exist for public service providers.
- (f) Scrutiny activities should make a distinct and positive impact and only be carried out where objective review by elected lay representatives will help progress to be made.
- (g) Scrutiny activities should have a clear purpose. There should be a focus on improving services for and improving the well-being of those who live and work in Sunderland.

- (h) The Scrutiny process should be proactive in seeking out issues to examine that will add most value.
- (i) Scrutiny should be prepared to examine issues that cross service or agency boundaries and make appropriate recommendations to tackle such issues, while being mindful of their potential implications for external organisations.
- (j) Scrutiny should aim to develop feasible recommendations providing value for money by securing benefits that outweigh the costs of implementation.

Clarity

- (k) Scrutiny should be a transparent process and encourage open and honest discussion.
- (l) Scrutiny activities should be well planned and timely.
- (m) Scrutiny of particular issues should be time-limited.
- (n) Processes and reports should be clear and accessible to the public.

Knowledge

- (o) Scrutiny reports must be evidence-based in order to provide credible conclusions and recommendations.
- (p) Although Members of scrutiny reviews will want to be informed, and training should be provided where appropriate, the scrutiny process is not meant to be an 'expert' review.
- (q) The scrutiny process should also be impartial, in the sense that it should be driven by the evidence rather than by a particular standpoint.

Accessibility

- (r) It is a fundamental role for the scrutiny process to ensure that there is full and equal access to the democratic process through public involvement and engagement.
- (s) The views and ideas of service users (and non-users), service providers and organisations and other agencies with an interest in the subject under review are all valuable in effective scrutiny. Scrutiny should involve all stakeholders and take account of views of service users and the public, with particular efforts to engage groups that are harder to reach.
- (t) Constructive engagement and clear lines of communication should enable a two-way flow of information between scrutiny and all those involved, including feedback of results.

Providing information to Scrutiny

The Scrutiny function will respect the requirements and provisions of the Data Protection Act 1998. The provision of information to scrutiny will be governed by relevant legislation³ and established protocols for the sharing of data.

Requests for information from the Scrutiny function will clearly identify why the information is needed and what it is to be used for to enable the request recipient(s) to identify the appropriate information to be provided.

To facilitate the scrutiny process, relevant information will be pro-actively provided and requests for information promptly dealt with.

Where information requested is readily available and routinely collected, it will be provided within two weeks of receipt of the request.

Notice of required attendance at Scrutiny meetings and/or submission of written reports

Forward planning of the Scrutiny Committee work programmes will normally ensure the provision of reasonable notice of requests for information/ the submission of written reports and/or required attendance of partners' personnel at meetings.

All requests will contain a clear explanation setting out what is required and will be accompanied by information about the purpose and nature of the scrutiny. Advice from participating organisations will be taken by the Scrutiny Committees as to who is best placed to attend on their behalf in view of the issue to be scrutinised.

While some organisations (such as local NHS bodies under the Health and Social Care Act 2012 and the bodies deemed to be 'responsible authorities' under the Police Reform and Social Responsibility Act 2011) are required by legislation to attend scrutiny meetings if summoned, it is hoped that other organisations not under such obligation will be willing to engage constructively with scrutiny and attend when requested to do so.

Format, sign-off and final deadlines for written reports

Sunderland City Council's standard scrutiny report format should be used for all written reports to the Scrutiny Committees. An electronic copy of the scrutiny report format, including advice to report authors, will be provided by the Scrutiny Team whenever a report is being requested.

All reports to the Scrutiny Committees must be submitted, in the first instance, to the appropriate Scrutiny Officer by the deadline stated in the timetable provided to meet the requirements of Access to Information legislation.

Once received, the relevant Scrutiny Officer will arrange internal sign-off of the covering report. This may include the addition of information on any legal, financial or other significant implications of the report for Sunderland City Council.

Availability of meeting papers

Papers for meetings of the Scrutiny Committees will be sent to the appropriate partner scrutiny lead and also to those who are providing reports and/or making presentations at each particular meeting. Papers are despatched so as to allow at least five full working days between dispatch and the scrutiny meeting, in order to meet the requirements of Access to Information legislation and enable interested parties to read the documents.

Arrangements will be made with partnerships to ensure that participating

Organisations / member bodies receive agendas and relevant papers. Any other organisations wishing to receive papers on a regular basis can ask the Scrutiny Team to add them to the distribution list.

Meeting papers can also be viewed on the Council's website at www.sunderland.gov.uk/committees/cmwebpublic/

Style and conduct of meetings

Where external organisations are invited to attend scrutiny meetings, the meetings will be conducted in accordance with the principles and procedures set out in the Scrutiny Procedure Rules and Access to Information Procedure Rules of Sunderland City Council's Constitution. In particular:

- (a) those attending scrutiny meetings will be given an indication of the likely time they will be asked to participate and the duration of their involvement in the meeting: as far as possible, all members of the Committee will ensure that this is honoured;
- (b) those assisting the Scrutiny Committees by giving evidence will be treated with respect and courtesy;
- (c) meetings will be conducted fairly and non-aggressively and in a manner that seeks out information, rather than placing blame;
- (d) all members of the Committee will be given the opportunity to ask questions of attendees, and to contribute and speak;
- (e) attendees are expected to maintain a positive and objective style of discussion and answer questions honestly and openly;
- (f) everyone who attends meetings is expected to use jargon-free language as far as possible; and
- (g) every person who attends a meeting to give evidence or answer questions shall identify themselves, state the capacity in which they attend and their authority to speak on behalf of any body or organisation and if required declare any personal interest in the business of the meeting.

Most Scrutiny Committee meetings are 'open' and held in public in order to be as transparent as possible. But there is provision for meetings or parts of meetings to be held in private, with the press and public excluded, in order to consider exempt or confidential information (as defined by the Local Government Act 1972). Advice is available from the Scrutiny Team if all or some of evidence to be submitted to the Committee might fall into either of these categories.

The involvement of other organisations/groups and members of the public

The input of other organisations and groups is recognised as being essential to the success of scrutiny.

Where organisations or groups are formally invited, in advance of the Scrutiny Committee meeting, to make a presentation to - or ask questions at - the Committee on a scrutiny

matter, the appropriate partner lead(s) will normally be notified at the earliest opportunity. In any event, formal presentations should normally be indicated on the agenda.

Organisations/groups and any other members of the public attending meetings (as either representatives of organisations/groups or as individuals) will not be required to provide their questions in advance of the meeting.

Where scrutiny seeks to engage with the voluntary and community sector, it will respect the principles of the Sunderland Compact.

Reports and recommendations

Where the Scrutiny Committee makes a written report, including any recommendations, to a partner organisation, the report shall include:

- (a) an explanation of the matter reviewed or scrutinised;
- (b) a summary of the evidence considered;
- (c) a list of the participants involved in the review or scrutiny exercise; and
- (d) any recommendations on the matter reviewed or scrutinised.

The written report provided to a relevant partner authority must exclude any confidential information, and may exclude any relevant exempt information (as defined in the Local Government Act 1972). Scrutiny Committees may replace so much of the document as discloses the information with a summary which does not disclose that information. Scrutiny Committees must do so if, in consequence of excluding the information, the published document or the copy provided to the partner authority would be misleading or not reasonably comprehensible.

Where appropriate and possible, draft reports will be circulated to the relevant body/bodies with an invitation to comment, in writing and to a deadline, on the report's factual accuracy.

Final reports and recommendations may also be forwarded to other Council committees, organisations and to the media, as the Scrutiny Committee may determine.

Partner organisations receiving reports and recommendations from Scrutiny Committees are expected to respond within a period of two months (except for statutory health bodies which are obliged by legislation to respond within four weeks). Arrangements will be made to ensure that relevant bodies receive copies of such reports or recommendations directly, in advance of their appearing on the next available partnership agenda.

How partners will 'have regard to' and/or consider and respond to Overview and Scrutiny reports and recommendations

The Localism Act 2011 gives the Council's Scrutiny function specific powers to require relevant partners to have regard to a scrutiny report or any of its recommendations. These powers are in addition to powers (under the Health and Social Care Act 2012 and the Police and Justice Act 2006) that already exist requiring consideration of reports and recommendations and a response from health service bodies and the authorities responsible for crime and disorder strategies.

However, it is expected that all organisations will, in support of the aims of scrutiny and in the spirit of the principles set out in Section 3, consider and respond to all scrutiny reports and recommendations addressed to them, irrespective of whether they are legally obliged to do so.

Review of Protocol

This protocol will be reviewed jointly on an annual basis or more frequently if experience and circumstances highlight that amendments may need to be made.

Availability of support

Further advice or information on any aspect of this protocol or on overview and scrutiny at Sunderland City Council is available from the Member Support and Community Partnerships, Strategy, Partnerships and Transformation Directorate, Civic Centre, Sunderland, SR2 7DN.

Telephone: 0191 561 1230

E-mail: overviewandscrutiny@sunderland.gov.uk

Website: www.sunderland.gov.uk/public/Editable/Themes/CityCouncil/corporate/scrutiny/scrutinycommittees.asp

Background Documents

The following documents underpin this protocol:

- (a) Local Government Act 2000
- (b) Health and Social Care Act 2012
- (c) Localism Act 2011
- (d) Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002, Statutory Instrument No. 3048 (2002)
- (e) Local Government Act 2002
- (f) Police and Justice Act 2006
- (g) Police Reform and Social Responsibility Act 2011
- (h) Local Government and Public Involvement in Health Act 2007
- (i) Overview and Scrutiny of Health –Guidance (2003)
- (j) Sunderland City Council's Constitution
- (k) Overview and Scrutiny Handbook, Sunderland City Council
- (l) Data Protection Act 1998

What to Expect When Attending a Scrutiny Committee Meeting

The protocol is split into guidance for observers and guidance for expert witness evidence:

GUIDANCE FOR OBSERVERS:

- 1. Where and when are the meetings held?**
 - 1.1 Meetings usually take place at 5.30pm in Committee Room 1 at Sunderland City Council's Civic Centre.
 - 1.2 Occasionally, alternative times and venues may be used, for an up-to-date schedule of meetings please visit our website or contact us.
- 2. Who will be there?**
 - 2.1 Membership of the Scrutiny Committees are made up of a Chair, Vice-Chair and Scrutiny Members. Council officers with an interest in one or more of the topics on the agenda may also be present as well as Council Officers providing support to the committee to ensure the functioning of the meeting.
 - 2.2 As Scrutiny Committee meetings are open to the public (unless otherwise stated or where confidential matters are being discussed), members of the public are welcome to attend and have access to the agenda, reports and background papers. The press and media may also be present.
 - 2.3 Meetings may involve contributions from a wide range of sources, including members, officers, NHS employees, education representatives, local businesses, voluntary groups, specialists and other members of the public.
- 3. What happens when I arrive to attend a meeting?**
 - 3.1 If you are attending the meeting as an observer you will be greeted by a council officer who will show you to the public seating area and provide you with a copy of the agenda (if available).

GUIDANCE FOR EXPERT WITNESSES:

- 4. Introduction**
 - 4.1 If a Scrutiny Committee decides that they would like to invite you to come along to one of their meetings as a witness, a member of the Scrutiny Team will contact you informally about the process. There is no obligation for people from outside the Council to attend (except for certain health authority staff under legislation concerning local authorities' scrutiny of the National Health Service), but by attending you will be making a valuable contribution in helping the members of the Committee to gain an accurate view of the issue/s being discussed. You can nominate another person to come on your behalf if they are fully briefed

on the issue. Occasionally, organisations, rather than an individual, are invited to give evidence. In this case, it is up to you to decide who would be most appropriate to attend.

5. Where and when are the meetings held?

- 5.1 A member of the Scrutiny team will contact you beforehand and provide details of the date, time and location of the meeting. If you agree to come along you will be sent a formal invitation confirming these details.
- 5.2 Scrutiny Committee meetings usually take place at 5.30pm in Committee Room 1 at Sunderland City Council's Civic Centre.

6. How can I prepare for the meeting?

- 6.1 You will be provided with an outline of the reason for your attendance and the likely issues to be discussed.
- 6.2 Any witness, including a person whom the Committee expects to invite to give oral evidence, will be invited to submit written evidence. This not only makes the Committee at which oral evidence is given more productive, as Members have the witness statements in advance, but also means that if the witness is not ultimately called or declines an invitation to give oral evidence, the Committee still has the benefit of their views.
- 6.3 Meetings of the Scrutiny Committees are open to the public, and the public have access to the agenda, reports and background papers, unless they contain exempt or confidential information. If a witness requests that the whole, or part, of their evidence is considered confidential/exempt and/or should only be heard by the Council they should state this at the outset with their reasons, and discuss the matter with the supporting officer. If the evidence does not fall within the definition of confidential information or within one or more of the categories or exempt information, it will be for the witness to decide if they wish to continue to be involved.
- 6.4 In order to assist a witness to prepare for the session, the Scrutiny Officer may be able to give, in advance, some informal indication of possible lines of inquiry, but a witness should not expect Members to restrict themselves to these.
- 6.5 Written evidence should contain, if appropriate, a brief introduction to the person or organisation submitting it (perhaps stating their area of expertise, etc.) and any factual information upon the particular subject area which they have to offer from which the Committee might be able to draw conclusions (or which could be put to other witnesses for their reactions). Inclusion of any recommendations which the witnesses would like the Committee to consider for inclusion in its final recommendations could also be helpful.
- 6.6 There are no rules about the form written evidence should take; what follows is simply guidance. If written evidence is very brief, it can be sent as a letter, but otherwise it is helpful for the evidence to be in the form of a self-contained report, with numbered paragraphs. If a report is lengthy, it should include a one-page summary of the main points, and a table of contents.
- 6.7 Where interested parties wish to contribute their views as part of the review, but have not been specifically invited to do so by the Committee, they should submit written evidence in accordance with these guidelines.

7. Who will be there?

- 7.1 Membership of the Scrutiny Committees are made up of elected councillors from all political parties on the Council and can include a number of community representatives. A Scrutiny Officer will also be present to provide advice. Other officers with an interest in one or more of the topics on the agenda may also be present.
- 7.2 As Scrutiny Committee meetings are open to the public (unless otherwise stated or where confidential matters are being discussed), members of the public are welcome to attend and the press and media may also be present.
- 7.3 Meetings may involve contributions from a wide range of sources, including members, officers, NHS employees, education representatives, local businesses, voluntary groups, specialists and other members of the public.

8. What happens when I arrive to attend a meeting?

- 8.1 The Chairman of the committee will introduce himself/herself to you before the start of the meeting. One of the officers will show you to your seat and provide you with a copy of the agenda.

9. What happens at the meetings?

- 9.2 At the beginning of the meeting there will be a number of procedural items of business that the Chairman will address, such as approving the minutes of the last meeting and taking apologies from absent members etc. The meeting will generally follow the order of business as set out in the agenda for the meeting.

10. What happens when I give evidence?

- 10.1 We will ensure that all witnesses are treated with courtesy and respect and that all questions to witnesses are made in an orderly manner as directed by the Chair of the meeting.
- 10.2 When it comes to your agenda item, the Chairman will introduce you to those present and ask you to introduce yourself, including a brief introduction to your work and how you are connected with the issue under discussion. If appropriate a short presentation may be given. Once all introductions have been completed, the meeting will open out into a question and answer session.
- 10.3 Whilst Scrutiny Committees are formal meetings, questioning of witnesses will be conducted with a degree of informality. If a witness does not have immediately available the information to answer a question, the Scrutiny Committee may ask for further information to be submitted in writing afterwards. If a witness refuses to answer a particular question, or they would like time to consider the answer or to seek advice, the question will not be put again, and the Chairman will proceed to the next question.
- 10.4 If you are attending on behalf of an organisation, you should make it clear whether any views expressed are personal views or those of the organisation.

11. **What happens next?**

- 11.1 Following the meeting you will be thanked for attending. Witnesses will be sent the minutes of the meeting for their record and to identify any supplementary information asked for by Members of the Committee.
- 11.2 If, after the meeting, you become aware that you have given incorrect or misleading information, for example by incorrectly quoting a figure, then let a Scrutiny Officer know as soon as possible so that the information can be corrected.
- 11.3 Following the proceedings, you will be written to (where appropriate) and informed of the outcome.
- 11.4 When the Scrutiny Committee has concluded its review a report will be written to present a full picture of the inquiry and recommendations will be made. If the recommendations are accepted, Scrutiny Committee will monitor progress and the agreed report will be circulated to all those involved with the review, including those who gave evidence.

Protocol for the Appointment of Co-opted Members to Scrutiny Committees

Part 1. Background

1.1 The Council's constitution says that

“The overview and scrutiny committees shall be entitled to recommend to Council the appointment of a number of people as non-voting co-optees.”

1.2 This protocol is a guide for Scrutiny Committees in helping with:

- Why a scrutiny committee might want to co-opt
- When not to co-opt
- Who to co-opt
- How to co-opt
- What are the steps to follow

1.3 A separate paper is available describing the role of a co-opted member, the responsibilities and the support available.

1.4 Co-opted members can be recruited for the municipal year or the duration of a working group.

1.5 There are two variations to this arrangement.

- (a) The Children, Education and Skills Scrutiny Committee deals with education matters and that Committee is *obliged* to include in its membership co-opted representatives from the Diocesan Boards and Parent Governors as voting members of the Committee for 3-year terms.
- (b) The Scrutiny Coordinating Committee deals with crime and disorder matters and *may itself* co-opt additional members to serve on the committee where it considers this appropriate.

All other Scrutiny Committees, in accordance with the Protocol below will refer nominations to Council to appoint to the Committees.

Part 2. Why a scrutiny committee might want to co-opt

2.1 Co-opted members can make a considerable and valuable contribution to the work of a Scrutiny Committee through broadening the range of experience, skills and knowledge available to support elected members in their deliberations.

2.2 A Scrutiny Committee that is considering whether to recommend the appointment of co-opted Members should identify, in the context of its terms of reference and the Work Programme for the year ahead:

- The range of skills and knowledge the Committee will need to effectively deliver its work-programme

- The range of skills and knowledge the existing (elected and co-opted) Members of the Committee are already able to bring to the Committee
- Where there are gaps in the required skills and/or knowledge that a co-opted Member could fill
- Whether the need for these skills and knowledge is time-limited

Part 3. When *not* to co-opt

- 3.1 When considering whether and who to co-opt, the Committee will consider the range of arrangements available to the Committee to gather information to inform its deliberations or whether the Committee requires the additional expertise of a co-opted member's attendance throughout the year.
- 3.2 Other arrangements include the calling of expert and other witnesses, and consultation through a range of means designed to reach members of the city's communities, receiving evidence or hearing from interested parties (from one or several witnesses or experts, and on one or more occasions).
- 3.3 In many circumstances, the temporary attendance of a member of the community who has a particular knowledge of the issues under consideration can be an appropriate way of including and gathering information about how Council policies are working for the city's communities, and identifying ways of improving. Members should bear in mind that many representatives of the city's communities may find the formality of appointment to a Council Committee more daunting than this more informal involvement.
- 3.4 In coming to a decision the Committee is referred to the table below.

Coopted Member	External Witness	Expert Witness
Consistent access to a broader perspective across the work programme	Impartial evidence for any topic in the work programme or as part of a policy review	Professional Expertise provided on consultancy basis to advise on policy review
Balanced representation of community experience on the Committee	Flexibility to contribute to one-off issues	Specialist topics approached with appropriate guidance
Commitment to working with community representatives and partner organisations and building close working relationships	Wide range of witness options across all topics	Validates conclusions through expert perspective
Capacity increased for work outside the formal Committee meeting	Personal experience of service or policy implications	
External challenge and perspective on issues under consideration	Independent of the Council	
Understanding of Local Authority and Partners	Single-issue / lobby group perspective on issues	
Diversity of knowledge and experience		

Part 4. Who to co-opt

- 4.1 When seeking nominations, the Committee should consider how representative the Committee's elected membership is of the experience of the community as a whole with particular regard to the 6 equality strands; age, faith, gender, ethnicity, disability, sexual orientation.
- 4.2 The co-opted nominee should be a member of a representative group, sector or organisation relevant to the scope of the Committee or project being undertaken or be a resident in the Sunderland area.
- 4.3 The Committee should:
- Determine the number of nominations to be sought.
 - Identify the range of experience, skills, knowledge and expertise the committee is seeking and seek nominations from organisations and individuals who demonstrate they have these
 - Guard against seeking nominations from organisations or individuals with a single issue perspective or personal agenda
 - Identify organisations which represent interest groups that fill identified gaps
 - Consider approaching voluntary and community sector organisations to seek nominations where there is an identified need to balance the membership to reflect the experience of all sectors of the community.
- 4.4 In determining the number of co-opted Members to be invited to serve, the committee should ensure that membership achieves a balance between the representative role of elected Members and the value that can be added through bringing a range of skills and perspectives to the work of the Committee. To avoid the Committee becoming unwieldy, the number of co-opted members should be kept to the minimum necessary. The number of additional co-opted members should not in any case be greater than the number of permanent committee members.

Part 5. How to co-opt

- 5.1 The Committee should follow these steps :
1. At the point of determining the Annual Work Programme and project plan for Policy Review, the Committee will consider whether the business of the committee may require the input of co-opted member/s.
 2. When the Committee has considered the range of nominations to be sought the Scrutiny Officer will on behalf of the Committee:
 - Seek and receive nominations on behalf of the Committee, ensuring prospective co-opted members are aware of the requirements of the role and that information put forward in support of their application will be considered in a public meeting of the Committee.
 - Methods may include writing directly to organisations and individuals or advertising for individuals able to serve as co-opted members, using local press, and/or website.
 - Report nominations to the next available meeting of the Committee.
 3. When selecting co-opted members the Committee should:
 - Evaluate these against the requirements identified.

- Give preference to individuals able to make the broadest contribution to the required skills and knowledge base.
 - Propose nominations to be put to Council
4. Appointment by Council
- Committee reports its preferred nominations to full Council
 - Council considers nominations and makes appointments of co-opted members for the Council year

Role of a Co-opted Member

1. Background

- 1.1 The following is not an exhaustive description but gives a guide to what may be required from a co-opted representative.
- 1.2 There are some things for which training and support can be given e.g. understanding of local government, the scrutiny process, agendas etc but other things such as ability to speak up, consult with the organisation being represented etc are skills which a representative should be bringing with them.
- 1.3 Co-opted members will be representing a group, sector or organisation on the Scrutiny Committee or working group and will be expected to voice opinions on behalf of the represented body.

2. Contribution of Coopted Members

- Be able and willing to attend monthly Scrutiny Committee meetings and additional meetings and or/working parties outside of the normal Committee cycle
- Prepare in advance of the meeting, by reading the published agenda and papers
- Be able to assimilate agenda reports and other documents and to raise questions from them in order to help the committee to make practical suggestions for improvements to services
- Play an active role in contributing to discussions on policies, bringing the point of view of the represented body or any specialist knowledge on all matters, not just those of the specialist area
- Bring an element of external challenge to the Committee discussions for example, through the representational role and also by relating issues more as the general public may view issues
- Be willing and able to report back regularly to the represented body and bring back their concerns and observations
- Be willing and able to consult with the represented body in order to ensure that proposed policies or reviews reflect their voices and concerns
- Have an understanding of the role and function of overview and scrutiny
- Be willing to attend and participate in relevant training
- Promote awareness, understanding and interest in the work of the Scrutiny Committee

3. Qualities of a Co-opted Members

- Effective communication skills, with the ability to listen and question effectively
- Ability to interpret and assess information to identify issues and propose solutions
- Ability to consider an issue from a range of points of view
- An open-minded approach to people and issues

- Ability to work cooperatively and as part of a team in both formal and informal settings
- A commitment to improving outcomes for people in Sunderland

4. General principles for co-opted members

- 4.1 Before taking up appointment co-optees will be expected to sign a declaration that they will observe the principles of the Code of Conduct, including the Nolan principles of involvement in public life. This includes a requirement for the co-opted member to declare interests in issues under consideration, and to withdraw from any part of a meeting where they have a personal and prejudicial interest in the same way as an elected Member.
- 4.2 Co-opted members with voting rights will need to:
- Complete an entry in the Register of Interests within 28 days of taking office.
 - Abide by the Council's Constitution and the Scrutiny handbook in terms of rules and procedures for Scrutiny Committee proceedings
- 4.3 If a co-opted member fails (without the agreement of the Council) to attend throughout a period of 6 months, they will cease to be a co-opted member.
- 4.4 No co-opted member may be involved in scrutinising a decision in which he/she has been directly involved.
- 4.5 Co-opted members may need to declare a personal or prejudicial interest in specific agenda items – guidance will be given on this.
- 4.6 As a member of a scrutiny committee co-opted members may volunteer, or be asked by the Committee to take part in task and finish working groups. These are time-limited, set up to carry out specific pieces of work within agreed terms of reference. They make recommendations and report back to the main committee.

5. Support arrangements for Co-opted Members

- 5.1 Co-opted members of the Committees will be provided with the following to support their participation in the work of the Committee, and of working groups established by it.
- 5.2 Before taking up a place on the Committee, a co-optee will be given an induction into the requirements of the Members' Code of Conduct, including the registration and declaration of interests before signing acceptance of the Members' Code of Conduct and advice on how the Committee operates and fits into the Council's decision-making process.
- 5.3 Upon appointment, co-optees will be given copies of, and a brief explanation of:
- The Council's Constitution,
 - The Corporate Improvement Plan
 - The Scrutiny Handbook
 - Key documents relevant to the Scrutiny Committee including terms of reference, current forward work programme, planned meeting dates, and recent committee papers.
- 5.4 Scrutiny Officer support is available to all Scrutiny Committee co-opted members in the same way as scrutiny committee councillors. Each scrutiny committee has a named Scrutiny Officer with access to the rest of the scrutiny team for wider requests for information or guidance. Briefing before or after scrutiny meetings can be available on request.

5.5 In line with legal requirements, paper copies of agendas and reports for meetings will be issued at least 5 working days before the date of the meeting.

6. Car Parking

3.1 Scrutiny Committee meetings are usually held in the late afternoon. For meetings started after 5.00 pm co-opted members will be able to park in the secure underground car park of the Civic Centre. For meetings at other times arrangements can be made through the Democratic Support Officer.

7.1 Access

3.1 All meeting rooms at the Civic Centre are fully accessible and hearing loops are installed in some rooms. If you have any particular requirements or access needs to enable you to participate in meetings, please contact the Democratic Services Officer for your committee. With reasonable notice, we will also provide information in other formats, for example, large print or on tape – please contact the Democratic Services Officer for details.

8. Expenses

3.1 All co-opted members are entitled to claim reasonable travel expenses (for instance bus fares or mileage and parking). For those with carer responsibilities, it is also possible to claim an allowance for the care of a dependent relative. Co-opted members should, where possible, obtain receipts for any expenditure. The Democratic Services Officer will be able to give advice on making a claim for expenses.

9. Access to information

9.1 You are entitled to access to all information available to the scrutiny committee, sub-committee or working party on the same 'need to know' basis as elected councillors.

10. How do I become a co-opted member?

10.1 If you are a member of a group or have specific experience or knowledge and you think you can make a contribution as a co-opted member to a Scrutiny Committee please contact the Scrutiny Team on 0191 561 1004/1006/1396 or overviewandscrutiny@sunderland.gov.uk

TRAINING AND CONFERENCES

Background

One key way in which scrutiny members can inform their deliberations and also to ensure a contribution from Members in Sunderland to regional and national debate is to attend training events and conferences.

To assist the Scrutiny Committees a delegated budget of £15,000 a year has been agreed. This protocol provides a process whereby training and development opportunities and conferences may be funded from within the dedicated scrutiny budget.

Corporate Member Training

A detailed Member Training Programme and associated budget has previously been established for all Members. This provides a consistent approach to corporate needs and reflects opportunities to address issues around ICT skills, awareness raising on current topics and training generally. In addition there is a list of standing conferences across each of the Council's service areas. Attendance at conferences outside this list are subject to approval, within the limits of a discrete budget, by the Chief Executive or the Head of Law and Governance in consultation with the Leader or Deputy Leader of the Council.

Process

Where a Scrutiny Committee wishes to propose attendance at a conference/training opportunity outside of the above areas, and fund all costs associated with the conference/training from its own budget the following process will apply.

- A report will be prepared for the Scrutiny Committee. The report will set out details of the costs of the event, benefits that attendance will bring to overview and scrutiny and clearly identify delegates to attend, or
- Where notice or invitation to a conference or training event does not provide sufficient opportunity to take an advance report to Committee, in those circumstances, the Chairman's approval will be sought for a delegate/s to attend the event funded by the Committee budget.

In either of the above circumstances the following will apply:

- The Leader will be notified of the training/conference opportunity
- The Chair of the Scrutiny Committee will authorise use of the budget by signing the appropriate authorisation form
- Following the conference/training opportunity a full report will be brought back to the relevant Scrutiny Committee(s) by delegates.
- The Scrutiny Co-ordinating Committee will maintain a central log of all training undertaken

POLICY REVIEW AND DEVELOPMENT

Policy review is the process of maintaining an overview of Council policies and those of key partners. Policy review can take a number of different forms from wide-ranging, cross-cutting reviews, for example, achieving community cohesion, to more focused ‘spotlight’ reviews, such as how the Council performs as a corporate parent or the role of the Council in supporting the contact centre industry. In this way, policy reviews assist the Council in its role as community leader.

Policy development involves shaping the formulation of key plans and policies through examining alternatives against needs, resources and other issues. For example a review into the provision of outdoor play facilities focused on development of future policy reflecting the changing needs of children and young people.

Policy development and policy review are necessarily part of the same process, since undertaking policy review will usually lead to making recommendations for developing policy.

Policy reviews will usually examine whether the Council’s intended policy outcomes have been achieved, but they will also explore other issues such as the service user’s perspective, awareness of services, the processes involved in accessing services etc.

A report by the ODPM in October 2002 stated, “Policy development and review work has been the most impressive we have seen undertaken by overview and scrutiny committees. In a number of the authorities this has involved a wide range of investigative methods and the production of well-honed and targeted reports. They have been carefully project managed, extremely well led by members and well supported by officers.” The same report set out 10 steps to good practice in overview and scrutiny in-depth reviews:

The 10 steps to undertaking a successful in-depth scrutiny investigation	
Step 1	Be sure that the subject is significant
Step 2	Project plan the investigation
Step 3	Determine the nature of member involvement
Step 4	Engage partners, public and local media
Step 5	Gather secondary evidence and primary written evidence
Step 6	Get the witness package right
Step 7	Gather oral evidence
Step 8	Adopt other methods
Step 9	Prepare draft report, disseminate and route the report
Step 10	Follow-up

Selection of Topics

Topics should be checked against the criteria set out below to ensure that subjects to be reviewed align with existing corporate goals and priorities. Criteria will be shared with key partners to ensure fairness and to avoid duplication with on-going policy development work.

Criteria for Selection of Topic for Policy Review

1.	Assist in meeting the Council's Strategic Priorities as set out in the Sunderland Strategy
2.	Address the Council's role as Community Leader
3.	Reflect issues identified by Members as key (through constituency activities)
4.	Address equal opportunities aspirations and accessibility to Council services
5.	Avoid repetition in the programming of forthcoming reviews but explores opportunities arising from alternative service delivery models and other future developments in service design.
6.	Have an external focus and be a matter of concern for the City and its inhabitants e.g. identified in the Council's annual residents survey
7.	Explore options for future direction where dissatisfaction or poor performance has been identified
8.	Provide a wider cross-cutting perspective avoiding day to day operational issues
9.	Meet the interests of local people for collaborative working with external organisations particularly where expertise or resources can be utilised

Project Planning

While each review may be approached in a different way as appropriate, generally they will follow this framework:

- Identify the key reasons for selecting the review
- Set the terms of reference including clear aims and objectives
- Methods to be adopted to carry out the review
- Identify timescales, resources and constraints

Methodology

Methods to be used to gather evidence can be determined once the topic has been selected. For example:

- Officers/Members/external contributors/ "experts" etc to be invited to the Committee
- Invite written evidence from stakeholders
- Meetings with stakeholders
- Site visits
- Questionnaires
- Workshops
- Public meetings
- Comparisons may be made with other local authorities
- Documentary research

At the outset of a review it should be determined whether and how to engage partners, members of the public and media as participants, observers and/or witnesses.

Gathering written and oral evidence are not the only methods available to Scrutiny Committees. The investigation should be matched to the appropriate methods such as site visits to allow Members to see at first-hand what is happening and to talk to the people who are actually using the service.

Other methods may include visiting other local authorities, commissioning research, joint working with partner organisations, public meetings, workshops and seminars.

Prepare, disseminate and route the report

Good practice from a variety of authorities suggests that the most effective reports are evidence-based, written in plain English, use photographs, graphs and charts to illustrate points made in the text, include a summary, and include SMART (specific, measurable, achievable, realistic and timely) recommendations.

Once all the evidence has been collected the Scrutiny Committee should identify and agree recommendations. At the draft report stage the Scrutiny Officer will consult with stakeholders to draw the main themes and emerging conclusions to their attention. This may include the appropriate Head of Service, Director, Portfolio Holder, service users and other stakeholders internally and externally. This is to agree facts and to ensure adequate consultation for the Directorate to prepare their response once the report is presented to the Cabinet. The final draft report is presented to the Scrutiny Committee for endorsement prior to submission to Cabinet. The report can be changed by agreement of the Committee up to and including the final draft.

The final report is presented to Cabinet under arrangements agreed by the Chairman with the Leader. Cabinet decides which recommendations it will accept and explains why some may not be acceptable. Where the policy review recommends departure from an Article 4 plan the report will also be presented to Council under the policy framework procedure as set out in the constitution. It is the Cabinet's responsibility to ensure that a resource assessment is undertaken and an implementation plan produced. The Scrutiny Committee should ensure that a timetable for monitoring progress on implementation is built into its recommendations. Following this, copies of the report should be sent to all contributors and any other interested bodies.

Monitoring Implementation

Once the recommendations have been approved by Cabinet, the Scrutiny Committees will take responsibility for monitoring the delivery by the Directorate of the recommendations.

Progress reports on actions are expected on an annual basis after the initial investigation has been completed and will be scheduled into the Scrutiny Committee work programmes.



A protocol for working together between :

- **Sunderland Overview and Scrutiny**
- **Sunderland Health & Wellbeing Board**
- **Sunderland Healthwatch**
- **Sunderland Clinical Commissioning Group**
- **NHS England**

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Joint Statement

This protocol has been developed by the above parties in recognition of the importance placed on working together effectively, recognising that there are shared and mutual benefits of doing so, and in recognition of the legal duties and responsibilities placed on organisations in relation to:

- Meeting local needs
- Improving the health and well-being of the local population
- Being representative of the views of the local population
- Providing value of money
- Being accountable to service users

Set within the context of a common and significant set of challenges, we can only achieve our aims by working together.

We will seek to create a sense of common purpose and alignment between all those working across the health and social care system. We will seek to support a shared system of innovation and joint planning, underpinned by a commitment to commissioning focused around the needs of patients, users of care services and communities.

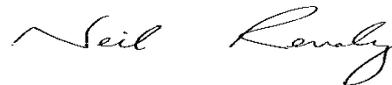
Collaboration must go beyond the words written in this document: it will be embedded into the way we work.

Signed on behalf of Sunderland Health & Wellbeing Board



Councillor Paul Watson, Leader of the Council

Signed on behalf of Sunderland City Council



Neil Revely, Executive Director, People Services Directorate

Signed on behalf of Sunderland Overview and Scrutiny



Councillor David Tate, Chair Scrutiny Committee

Signed on behalf of Sunderland Healthwatch



Jane Harney, Chief Executive, Sunderland Healthwatch

Signed on behalf of Sunderland Clinical Commissioning Group



David Gallagher, Chief Officer, NHS Sunderland CCG

Signed on behalf of NHS England



Christine Keen, Director of Commissioning

Introduction

All signatories to this protocol have clear and distinct roles. This protocol outlines the responsibilities and duties of each and provides a framework for all signatories to work together with the aim of reducing unnecessary administrative burdens and duplication.

It provides an overarching framework for joint working, and particularly, an information sharing agreement between partners in the first year of operation. This will be essential to assure effective, rapid and timely exchange of information between each partner and supports the other information sharing protocols which are in place in Sunderland between partner agencies.

This protocol does not override the statutory duties and powers of any organisation and is not enforceable in law.

Principles

The signatories are committed to putting people first and, in ensuring that services meet the needs of the people using the services, we will:

- Be committed to ensuring the quality of services provided
- Have open and transparent dealings with each other
- Work in partnership to improve services
- Use resources effectively and efficiently
- Ensure individual activities are complementary and reduce duplication

All parties to this protocol acknowledge the principle of putting patients, service users, carers and local people at the centre of everything we do through embedding public engagement activity at all levels and that this is reflected in decision-making processes.

Ways of Working

Between HWBB and CCGs

HWBBs have a strategic influence over commissioning decisions across health, public health and social care. CCGs must demonstrate they have taken on board the priorities of the JHWB Strategy in the delivery of commissioning decisions. The HWBB will agree a forward plan which will determine which commissioning decisions need to come to HWBB at the appropriate stage in the commissioning process,

Between decision makers (HWBB/CCGs) and Scrutiny

Scrutiny is responsible for ensuring that decisions relating to the planning and delivery of health care are accountable to residents. This includes the statutory responsibility on health bodies to consult health scrutiny on proposals for substantial developments or variations to the local health service. Decision takers will ensure that scrutiny is informed of and able to effectively scrutinise key decisions of the HWBB, CCGs and NHS England.

Scrutiny also engages actively with service users and HWBB may wish to refer issues to health scrutiny in order for those issues to be fully investigated, and to provide recommendations for improvement. Many scrutiny reviews have identified recommendations aimed at reducing health inequalities and it has been demonstrated that NHS commissioners have been able to use the evidence that has been gathered when designing services to provide an extra level of assurance as to the quality of their services. There would be a mutual benefit in the HWBB considering recommendations from scrutiny policy reviews.

Relationship between NHS England, HWBB/CCG and Healthwatch

Healthwatch is responsible for ensuring that the citizens have a voice in the planning, commissioning and delivery of health and social care services. Healthwatch has a scrutiny and challenge function in relation to local commissioners and providers and will provide a level of accountability in the decision-making process through membership of the HWBB.

Relationship between Healthwatch and Health Scrutiny

Health Scrutiny and Healthwatch serve complementary roles in ensuring that health and social care is accountable to, and meets the needs of, local residents. Both Scrutiny and Healthwatch have a responsibility to monitor the quality and performance of service provision. Local Healthwatch will be able to alert Healthwatch England to concerns about specific care providers. CQC and NHS England will work with local scrutiny to hold providers to account. Healthwatch may refer social care matters to scrutiny when deemed appropriate.

Information Sharing Arrangement

Principles of information sharing:

- Information will be communicated in a timely way ensuring adherence to good practice and agreements or constitutional or legislative timescales on consultation.
- Information will be communicated in plain language, in an appropriate format and exclude the use of jargon, acronyms, concepts, or anything that is not generally understood by partners and/or our local population.

All parties to this protocol will seek to communicate information with each other in a way that enables each organisation to carry out its functions effectively. Partners to this protocol will reserve the right to define what

constitutes relevant information in the context of forward and strategic planning within their own organisation however the basis of this protocol is a presumption that information is to be shared.

In particular parties to this protocol will endeavour to share:

- a) Information relating to circumstances where changes to services are to be made. This may be within the definitions of substantial variations of service (see Appendix 2).
- b) Proposals for plans, policies and strategies (this may be in the context of shared annual work programmes)
- c) Information on progress against improvements and the quality of services provided
- d) Development of commissioning intentions
- e) Information of proposed public or user/carer engagement and consultation plans (in accordance with requirements of the Duty to Involve) and, where appropriate, significant health, well-being and social care issues arising from engagement activity.
- f) Draft reports where appropriate in order to ensure accuracy.

Engaging with service users

All parties to this protocol recognise that they have both joint and separate approaches to engaging with service users and members of the public. Wherever possible all parties will ensure that such health, well-being and social care engagement activity is jointly planned and co-ordinated within the partnership and individual frameworks of the parties, to ensure maximum coverage and capacity, to avoid duplication and 'consultation fatigue' and to ensure appropriate quality and outcomes.

Implementation and Review

The protocol may be amended at any time by agreement between partners. The protocol will be reviewed and evaluated, and where appropriate, the protocol will be updated to take account of any changes to legal responsibilities.

Reviews will be undertaken by the scrutiny function and a tool for checking progress is attached as Appendix 3.

The first review of the Protocol will take place in six months.

Key to Abbreviations

JHWBS – Joint Health & Wellbeing Strategy

JSNA – Joint Strategic Needs Assessment

HWBB – Health & Wellbeing Board

HW - Healthwatch

OSC – Overview and Scrutiny

Role and Function of Individual Bodies

Overview and Scrutiny

Overview and Scrutiny has the powers to:

- Hold decision makers to account
- Challenge and improve performance
- Support the achievement of value for money
- Influence decision makers with evidence based recommendations
- Bring in the views and evidence of stakeholders, users and citizens

Councillors on scrutiny committees have a unique democratic mandate to act across the whole health economy. Scrutiny has a clear role at every stage of the commissioning cycle, from needs assessment through commissioning to service delivery and evaluation of health outcomes. Scrutiny members are responsible for holding decision makers, i.e. HWBB, Commissioners i.e. CCGs Council's, NHS England and providers, to account ensuring that:

- the planning and delivery of healthcare reflects the views and aspirations of local communities (by scrutiny of JSNA, JHWP Strategy, Commissioning Plans & Delivery strategies)
- all sections of a local community have equal access to health services; (by scrutiny of organisations, service delivery, performance against outcomes)
- all sections of a local community have an equal chance of a successful outcome from health services (by bringing together views across the system, examining priorities and funding decisions across an area to help tackle inequalities and identify opportunities for integrating services)
- proposals for substantial service change are in the best interests of local people (NHS bodies have a statutory responsibility to consult health scrutiny on proposals for substantial developments or variations to the local health service).

The Sunderland Scrutiny Committee is governed by terms of reference set out in Sunderland City Council's Constitution – Part 2, Article 6.

Health & Wellbeing Board

The Health and Social Care Act 2012 required local authorities to set up health and wellbeing boards as committees of the council by April 2013. They are therefore to be treated as if they were committees appointed by the council under section 102 of the Local Government Act 1972.

The intention, however, is that HWBB will be different from the normal council committee as they are meant to be forums for collaborative local leadership. Health and wellbeing boards have strategic influence over commissioning decisions across health, public health and social care.

Health and wellbeing boards are forums where key leaders from the health and care system work together to improve the health and well-being of their local population and reduce health inequalities. Health and wellbeing boards are made up of clinical commissioning groups, local authorities, representation from the area team of NHS England, patient representatives, public health, local Healthwatch and children's and adult social care leaders to shape local health and care services, decide how they will be commissioned and support joined-up working across health and care services.

The HWBB will develop a shared understanding of the health and wellbeing needs of the community through the Joint Strategic Needs Assessment (JSNA) and develop a joint health strategy for how these needs can be best addressed. This will include recommendations for joint commissioning and integrating services across health and care.

Through undertaking the JSNA, the HWBB will drive local commissioning of health care, social care and public health and create a more effective and responsive local health and care system. Other services that impact on health and wellbeing such as housing and education provision will also be addressed.

HWBB's strengthen democratic legitimacy by involving democratically elected representatives and patient representatives in commissioning decisions alongside commissioners across health and social care. HWBB's will also provide a forum for challenge, discussion, and the involvement of local people.

The Sunderland Health and Wellbeing Committee is governed by terms of reference and rules of procedure set out in Sunderland City Council's Constitution – Article 12

Sunderland Healthwatch

The Government's intention for people who use health and social care services is "no decision about me, without me".

Local Healthwatch organisations will provide an authoritative, coordinated local consumer voice to help both commissioners and providers of services to develop high quality responsive services. They will also provide a valuable source of information about services to local people and make sure those who need help to access information in order to make appropriate choices are supported to do so. They will be the place to go for people who need help to make a complaint about NHS treatment and care

Local Healthwatch will continue the functions previously provided by Local Involvement Networks (LINKs), which cease to exist when Local Healthwatch comes into being. Healthwatch will be the independent consumer champion for the public i.e. service users, citizens, carers and patients, to promote better outcomes in health for all and in social care for adults.

At the local authority level, Local Healthwatch will have a seat on local health and wellbeing boards to influence commissioning decisions by representing the views of local stakeholders. Local Healthwatch will contribute authoritative, evidence-based feedback as part of the commissioning and decision-making for local health and social care services.

As a corporate body, Local Healthwatch will be able to employ its own staff, as well as continue the LINK legacy of recruiting volunteers. Building on the LINKs' functions to involve and engage, to enter and view premises providing care to service users the following list describes the additional functions for local Healthwatch.

- Influencing
- Signposting
- NHS Complaints Advocacy
- The local HealthWatch 'Offer' to Health and Wellbeing Boards, to the Social Care Reform Programme and to the Public Health Reform Programme

Local Healthwatch can help and support Clinical Commissioning Groups and NHS England to make sure that services really are designed to meet citizens' needs. Involvement in developing the JSNA and the JHWS provides an extensive on-going opportunity for community engagement through local Healthwatch and the community and voluntary sector. Both Scrutiny and Healthwatch have a responsibility to monitor the quality and performance of service provision. Local Healthwatch can alert Healthwatch England to concerns about specific care providers. CQC and NHS England will work with local scrutiny to hold providers to account.

Healthwatch England

The Health and Social Care Act 2012 Act provides for the establishment of Healthwatch England as a statutory committee of the Care Quality Commission. Healthwatch England will be a new national body representing the views of users of health and social care services, other members of the public and Local Healthwatch organisations.

Sunderland Clinical Commissioning Group

The Health and Social Care Act 2012 Act makes CCGs directly responsible for commissioning services they consider appropriate to meet local needs. This includes the majority of local hospital and community services. NHS England will directly commission some services including specialised services and primary care services.

CCGs and the NHS England are subject to a number of duties which put patient interests at the heart of everything they do. These include specific duties in relation to promoting the NHS Constitution; securing continuous improvements in the quality of services commissioned; reducing inequalities; enabling choice and promoting patient involvement; securing integration; and promoting innovation and research. CCGs will have to work with local partners to be effective. Both CCGs and the NHS England will be required to obtain advice from people with a broad range of professional expertise.

The 2012 Act contains a number of duties, aimed at aligning CCG commissioning plans with the Joint Health and Wellbeing Strategy: CCGs must involve the health and wellbeing board when preparing their commissioning plan or making revisions to their commissioning plans that they consider significant. In particular, they must give the HWBB a draft of the plan and consult as to whether it considers the draft plan has taken proper account of the local JHWS.

In its annual report, the CCG has a statutory obligation to review the extent of its contribution to the delivery of any local JHWS to which it was required to have regard – in preparing this review the CCG must consult the relevant health and wellbeing board.

Success of a CCG will rely considerably on the support of the constituent local practices, as well as the trust of patients and the public. Patients need to feel confident that commissioning decisions are based on sound clinical evidence and are free from vested interest. The practices represented by the CCG will need to satisfy themselves that they are content with the process followed and decisions taken by their CCG on their behalf. Local accountability is therefore essential.

NHS England (formerly known as the NHS Commissioning Board).

NHS England will be responsible for ensuring comprehensive and effective commissioning of services by CCGs.

NHS England will support CCGs by providing guidance and tools to enable them to commission effectively. As outlined above it will also commission those services it would not be possible or appropriate for CCGs to commission – such as primary care services, although CCGs will play a key role in driving up the quality of primary medical care locally. It is expected that NHS England will support and commission local primary care services which reflect the context of the JHWS and which are developed in consultation with the HWBB.

In undertaking its annual performance assessment of a CCG, NHS England must include an assessment of how well the CCG has met the duty to have regard to the relevant JSNA and JHWS. In conducting the performance assessment, NHS England must consult the health and wellbeing board as to its views on the CCGs contribution to the delivery of any JHWS to which it was required to have regard.

CCGs will be held to account for their decisions by NHS England against a Commissioning Outcomes Framework, which will ensure transparency and accountability for achieving quality and value for money.

Substantial variation, consultation and Overview and Scrutiny Committees

NHS bodies are required to make arrangements to involve and consult patients in planning services, developing and considering proposals. In addition, NHS bodies are required to consult the relevant Overview and Scrutiny Committee (OSC) on any proposals for substantial variations or developments of health services. Where OSCs consider proposals to be substantial variation a 'formal consultation' will take place (12 weeks). There is no standard definition of "substantial", however the key feature relates to whether there is a major change to the patient experience of services. NHS organisations are encouraged to discuss proposals with OSCs at an early stage and establish whether a proposal is considered a substantial variation. Joint Overview and Scrutiny Committees (JOSCs) are established where proposals affect more than one OSC.

The Secretary of State has outlined four tests for service change in the Operating Framework 2010-11. All proposals for reconfiguration of services must demonstrate:

- support from GP commissioners;
- strengthened public and patient engagement;
- clarity on the clinical evidence base; and
- consistency with current and prospective patient choice.

All schemes need to meet these four criteria with the application of a "test of reasonableness".

- Reconfiguration should only happen on the basis of need and a sound clinical case for change
- The quality and safety of patient care should be central to any proposed change
- All proposals must clearly demonstrate how they contribute to the QIPP challenge for the NHS
- Service changes should be in line with the strategic service framework
- Commissioners should normally lead the preparation and consultation on service change proposals
- A senior clinical lead should be identified at the outset, and should have support to help them ensure that clinicians are involved in the development of proposals for change
- Boards are accountable for the formulation and delivery of proposals. They should actively champion proposals at every phase; development, consultation and delivery
- The lead organisation, usually the CCG, has overall accountability and responsibility for the service change and should take its own advice on legal matters relating to the specific service change scheme

Before embarking on the process, it is important to have a clear evidence-based communications and stakeholder engagement strategy (including with staff), which is managed and effectively delivered including putting the results of a consultation into the public domain following its conclusion. There must be effective communication processes in place to respond to and, where necessary correct, any misleading information which enters the public domain, to promote an effective understanding of the proposals for change

Early discussion with Overview and Scrutiny Committees regarding service change is recommended. The local authority retains the power of referral to the Secretary of State to ensure the effective provision of comprehensive health services.

A tool for checking progress

Understanding of roles and responsibilities influences good working relationships and performance	
Indicators – working well	Indicators – not working well
A clear understanding of roles, powers and responsibilities	Lack of distinction of roles and poor understanding of where boundaries lie
Governance documents are easy to understand and are reviewed regularly	Governance documents are out of date and do not support good understanding of roles and responsibilities
An atmosphere of trust, commitment, and open challenge has been developed.	Lack of understanding, engagement, or preparedness has created barriers
Partnership decisions are open to effective scrutiny	Underdeveloped arrangements for scrutiny of partnerships decisions
Shared responsibility and the principal of 'equality round the table'	Lack of respect for each others roles
Common goals to deliver outcomes	Focus diverted away from achieving outcomes
Behaviour and conduct influence good working relationships and performance	
Indicators – working well	Indicators – not working well
Culture of trust and respect	Mistrust and lack of respect
Commitment to agreed priorities	Relationships too close and decisions made without proper challenge or debate
Prepared to listen to reservations and seek to resolve them	Failure to review and revise ways of working based on sticking points.
Acting consistently within agreed strategic direction	No clear definition of what success will look like and outcomes to be delivered
Partners have the capacity to be fully engaged	Failure to use all skills, knowledge, access to resources of partner groups
Recognition of the value each group brings (through referral, consultation, debate)	Lack of understanding and respect for other partners' points of view, effectys and structures.
Honesty between all partners, based on sharing, rather than withholding information	
The provision of guidance, information and support influences good working relationships and performance	
Indicators – working well	Indicators – not working well

Recognition of the benefit of developing knowledge and skills and individuals feel well supported by training and guidance	Poor briefing material, information to support decision taking and accountability
Consistent, clear communication, consciously avoiding language which may be specific to individual professions or organisations	Use of organisational and professional jargon
Seeking out examples of good practice, and sharing research.	Insular approach with poor networking
Partners are happy about the accuracy, regularity and timeliness of the information	Weak alignment between partnership and corporate plans, targets and delivery
Expertise is used to collect the views of service users actively, systematically, and imaginatively	Lack of robust user engagement and poor use of service user feedback
information about the way service users and carers feel is collected through everyday service delivery and reported back automatically	limited opportunities or willingness to challenge the performance of partners or give feedback on performance
Arrangements are in place for communications between meetings	Lack of monitoring or evaluation of the effectiveness and impact of partnership
Partnership is supported by an agreed work programme and / or action plan showing who will do what, by when	Poor performance management and lack of ways of dealing with non-performance
Activities effectively support delivery of the desired outcomes	limited use of impact or outcome measures, progress monitoring and reporting tends to focus on input and activity targets rather than outcomes;