



LEEDS
CITY COUNCIL

Overview and Scrutiny Committee

**Protocol between Scrutiny
and Statutory Public Sector Partners in Leeds**

Agreed by the Overview and Scrutiny Committee XXXXXXXX

Background

The Local Government Act 2000 brought in new arrangements that clearly defined a scrutiny role for elected members in holding executives of councils to account, and in scrutinising the work of other agencies providing local services. The overview and scrutiny function of a local authority has the power to summon members of the executive and officers of the authority to answer questions, and can invite other persons to attend meetings to give their views or submit evidence.

One of the most interesting aspects of a local authority's scrutiny powers is their ability to consider matters that are not the responsibility of the local authority, but which affect the authority's area or its population. An extension of this scrutiny power was introduced by the Health and Social Care Act 2001, enabling local government scrutiny of local health services.

The Local Government and Public Involvement in Health Bill extends the powers that local authorities already have to scrutinise health services within their areas to the activities of a number of named public sector partners, as part of their wider community leadership role for the city.

The purpose of this protocol is to provide guidance and a common understanding for how scrutiny of statutory public sector partners will operate in Leeds. The protocol has been drawn up during the early stages of the new arrangements and may be amended and further developed as the relationship between scrutiny and public sector partners develops. The aim is for all parties to help ensure that scrutiny remains a positive and challenging process.

Scrutiny in Leeds

The overview and scrutiny function in Leeds is carried out through Scrutiny Boards, each with its own remit, covering the work of all the Council directorates and Elected Member portfolios.

Scrutiny of the public sector partners named in the Local Government and Public Involvement in Health Bill will be undertaken by the Scrutiny Boards.

Scope

The public sector partners covered by this protocol are:-

Environment Agency
Natural England
Fire and Rescue Authorities
Jobcentre Plus
Health and Safety Exec
National Park Authorities
Youth Offending Teams
Police authorities
Chief Officer of Police
Local Probation Boards

Joint Waste Disposal Authorities
Regional Development Agency
Learning and Skills Council
Sport England
English Heritage
Highways Agency
Metropolitan Passenger Transport Authorities

A separate protocol exists for the scrutiny of health.

Scrutiny of the named public sector partners in Leeds will cover activities undertaken by them to deliver improvement targets in the local area agreement. This includes the planning, provision and operation of services commissioned and provided by the named public sector partners.

Scrutiny Boards will not inspect, audit or manage the performance of the named public sector partners in the city, although performance information may be requested by a Board to inform a scrutiny inquiry. Arrangements for inspection, audit and performance management of the named public sector partners will continue to be carried out by the appropriate regulatory bodies or agencies and will not be affected by the scrutiny function of the City Council.

Scrutiny Boards will not duplicate advocacy arrangements on behalf of customers, clients, or other service users for the named public sector partners.

Scrutiny Board composition

Scrutiny Boards are composed of Elected Members selected to represent the political balance of Leeds City Council. The Scrutiny Boards which cover education matters and health matters also include co-opted members from outside the council. Elected Members are selected to serve for a period of 12 months. Only Elected Members, and Church and Parent Governor co-optees on the Scrutiny Board which covers education matters, have the right to vote.

Members of Scrutiny Boards seek to avoid conflicts of interest and where potential for this exists, interests of those members will be declared and subject to the Council's procedures on these matters¹.

In addition, a Scrutiny Board may seek nominations from other representative groups to be members of the Board. These nominations may be for a year or on an inquiry by inquiry basis.

Responsibilities

Scrutiny Boards

Scrutiny Boards do not have decision-making powers but are able to make recommendations to the council, public sector partners and other organisations.

¹ Leeds City Council Constitution - Scrutiny Board Procedure Rules Section 2

Scrutiny Boards monitor the decisions made by the Council's Executive Board and Officers, contribute to the development of policies and scrutinise the work of the council, public sector partners and local NHS bodies. They have an important function in providing checks and balances on performance and decision making. Scrutiny Boards therefore can be seen as having both a "watchdog" and a "think-tank" role.

A separate Member/Officer protocol ² has been agreed by the City Council. This will be used as the basis for the conduct of Scrutiny Board Members in their dealings with officers from named public sector partners.

Named public sector partner officers

Officers of the named public sector partners are responsible to a range of bodies. The Government sees the extension of scrutiny powers to the named public sector partners as a way of enhancing community leadership and improving outcomes in local areas.

In order to facilitate this, representatives of the named public sector partners will answer questions openly and honestly and provide all information that will assist Scrutiny Boards in their consideration of issues under scrutiny.

Information to be supplied to Scrutiny Boards

The work of the Scrutiny Boards will involve a combination of maintaining an overview of developments within the city; being aware of the activities of the named public sector partner bodies and undertaking in-depth scrutiny inquiries.

To support and enable this work, Scrutiny Boards will require information from the named public sector partners. The information expected by the Scrutiny Board will need to be of sufficient detail to enable the Board to discharge its scrutiny duties. Some of this may include information currently covered by the Freedom of Information Act 2000. Usually a written report will be required by the Board. This will provide a basis for discussion between officers from the named public sector partners and members of the Board. The Scrutiny Support Unit will advise on the particular information required.

Where confidential information has been requested by a Scrutiny Board, it will be incumbent upon named public sector partners to take all reasonable steps to anonymise this information. Where this is not possible the public will be excluded from the meeting whilst the Board considers the confidential information provided.

Scrutiny Boards will not publish confidential information in its reports or information which is exempt under Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006. Where exempt information has been used in the preparation of a report by a Scrutiny Board the report, if published, will list the exempt information referred to in the preparation of the report but not reproduce it in the report.

² Leeds City Council Constitution - Section 5

Notice

Although matters sometimes arise at short notice, each Scrutiny Board publishes a forward work programme. These programmes are revised and widely circulated on a monthly basis.

Where information or attendance of a named public sector partner at a Scrutiny Board meeting is requested, the Scrutiny Support Unit will make every effort to provide a reasonable notice period. Where attendance will require the public sector partner to produce a report, sufficient notice will be given for the preparation of that report to comply with the publication deadline of the Board's public agenda.

Attending Scrutiny Board meetings

Public sector partners may be invited to attend a meeting when a Scrutiny Board wishes to receive information about their service, or as a witness as part of the information-gathering process during a Scrutiny Board inquiry. Inquiries may not always be directly scrutinising their services. Partner agencies may be asked to attend to as a witness during an inquiry into the services of another agency.

Scrutiny Boards are scheduled to meet approximately once a month, although Boards may arrange additional meetings at any time if they need to. Meetings normally take place in the Civic Hall and, with limited exceptions, they are open to the public. From time to time, meetings are arranged at different venues in Leeds, often dictated by the nature of the inquiry taking place. Most meetings are audio taped so that the Board can make sure that it has noted all the points made at the meeting.

The Scrutiny Support Unit will try to give approximate times for items to be discussed. However, as items sometimes overrun, there may be a short waiting time.

Prior to a Scrutiny Board meeting, the Chair receives a briefing on items to appear on the forthcoming agenda from officers in the Scrutiny Support Unit. On occasion, officers from the named public sector partners may be requested to attend this briefing, or a separate session, to enable the Chair of the Scrutiny Board to be briefed ahead of the scrutiny meeting.

Conduct of Scrutiny Board inquiries

The role of terms of reference

The majority of scrutiny inquiries have agreed terms of reference, identifying the subject areas members of the Board wish to pursue. These will be used to inform departments of the Council and named public sector partners of the emphasis of a particular inquiry.

Officers from the Scrutiny Support Unit will liaise with named public sector partners during the preparation of terms of reference to ensure that the focus of the inquiry is relevant and the timing of it appropriate.

Gathering evidence

The evidence to be gathered will be detailed in the inquiry's terms of reference. This material may be considered at a scrutiny meeting which is open to the public or by a small working group of Board members deputed to undertake a specific evidence gathering task. In the latter case, working group members will report back to a full meeting of the Scrutiny Board on their findings.

The Scrutiny Support Unit will try to give guidance on what will be asked and sometimes possible question areas will be passed on to named public sector partners to allow some time for preparation before the meeting. However, members may follow a related line of discussion and ask other questions on the day.

Preparation of reports

At the conclusion of an inquiry, Scrutiny Boards usually produce a preliminary report. These reports are drafted by the Scrutiny Support Unit in conjunction with the Scrutiny Board Chair and agreed by the Scrutiny Board. They contain a summary of the evidence submitted and the Board's conclusions and recommendations. Where a Scrutiny Board is considering making recommendations to a named public sector partner it will invite advice from the relevant Chief Executive prior to finalising its recommendations.

Publication of report findings

Once a Scrutiny Board has completed its inquiry, it may make reports and recommendations to the executive of the named public sector partner(s) scrutinised. In addition, the Scrutiny Board may publish and circulate its report and make it available to the public.

Where a Scrutiny Board has published a report and recommendations directed to the executive of a named public sector partner, it will give the executive notice in writing, of two months in which to respond.

Response to reports

The named public sector partner will set out, in response to the recommendations made:-

- the views of the named public sector partner; and
- proposed action and timescales; or
- reasons for inaction.

The response of the named public sector partner will be published by the Scrutiny Board.

The implementation of any agreed scrutiny recommendations will be monitored by the Scrutiny Support Unit and progress recorded at regular intervals.

Scrutiny Support Unit

In summary, the work of the Scrutiny Support Unit entails:

- Providing a research and intelligence function to Scrutiny Boards (each of which has been allocated a different area of specialism)
- Managing programmes of inquiries for each of the Scrutiny Boards
- Managing the presentation of witnesses, research and reports to Scrutiny Boards and/or carrying out research and reports “in house” as appropriate
- Assisting Scrutiny Boards to prepare reports of their inquiries and steering recommendations through the Council’s decision making arrangements
- Monitoring and tracking the implementation of scrutiny recommendations
- Leading the continuing development of the Overview and Scrutiny function

For further information or advice, public sector partners can contact the Scrutiny Support Unit at scrutiny.unit@leeds.gov.uk