

Report of the Head of Governance and Scrutiny Support

Report to Scrutiny Board (Children and Families)

Date: 10th October 2018

Subject: Call In Briefing Paper

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| Are specific electoral Wards affected? If relevant, name(s) of Ward(s): | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Are there implications for equality and diversity and cohesion and integration? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Is the decision eligible for Call-In? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number: | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

Summary of main issues

1. In accordance with the Council's Constitution, an Executive Board decision has been Called In. The background papers to this particular decision are set out as a separate agenda item and appropriate witnesses have been invited to give supporting evidence.
2. This report advises the Scrutiny Board on the procedural aspects of Calling In the decision.
3. The Board is advised that the Call In is specific to the report considered by the Executive Board and issues outside of this decision, including other related decisions, may not be considered as part of the Board's decision regarding the outcome of the Call In.

Recommendations

4. The Scrutiny Board is asked to note the contents of this report and to adopt the procedure as detailed within it.

1 Purpose of this report

- 1.1 In accordance with the Council's Constitution, an Executive Board decision has been Called In. The background papers to this particular decision are set out as a separate agenda item and appropriate witnesses have been invited to give supporting evidence.
- 1.2 This report advises the Scrutiny Board on the procedural aspects of Calling In the decision.

2 Background information

- 2.1 The Call In process provides the facility for the Scrutiny Board to require a decision taker to reconsider a decision within a specified time period. This is a separate function from the Scrutiny Board's ability to review decisions already taken and implemented. The eligibility of an Executive Board decision for Call In is indicated in the minutes.

3 Main issues

- 3.1 The Board is advised that the Call In is specific to the report considered by the Executive Board and issues outside of this decision, including other related decisions, may not be considered as part of the Board's decision regarding the outcome of the Call In.

Reviewing the decision

- 3.2 Because of the unique nature of Call In, particularly with regard to the requirement to conclude the meeting with a recommendation in one sitting, it is important that the meeting has a managed framework. The Scrutiny Board is therefore recommended to adopt the following process:
 - The Members who signed the Call In request will outline their reasons for calling in the decision, defining their concerns and explaining what remedial action they wish to see. If the Chair has agreed in advance that they may be accompanied by other witnesses, these witnesses will also be given the opportunity to briefly outline their concerns in relation to the decision in question.
 - Members of the Scrutiny Board will ask any questions and points of clarification.
 - At this point, the Members who signed the Call In request and any accompanying witnesses will leave the witness table.
 - The Executive Member(s) and/or officer(s) who are representing the decision maker will be invited to join the witness table.
 - The representatives of the decision maker will respond to the issues raised by the Call In request.
 - Members of the Scrutiny Board will ask any questions and points of clarification.
 - If necessary, this stage may involve further questioning by Board members of the witnesses in support of the Call In request. For the avoidance of doubt, there is no provision for the witnesses to cross-question one another.
 - Once Members of the Scrutiny Board have completed their questioning of witnesses, the representatives of the decision maker will leave the witness table.
 - A representative on behalf of each of the parties to the Call In will be invited to join the witness table to sum up. The representative of the decision maker will be invited

to sum up first if they wish to do so. Following this, the representative of the signatories to the Call In request will be invited to sum up having heard the discussion.

- The Scrutiny Board will then proceed to make its decision in relation to the Call In.

Options available to the Board

- 3.3 Having reviewed the decision, the Scrutiny Board will need to agree what action it wishes to take. In doing so, it may pursue one of two courses of action as set out below:

Option 1- Release the decision for implementation

- 3.4 Having reviewed this decision, the Scrutiny Board may decide to release it for implementation. If the Scrutiny Board chooses this option, the decision will be immediately released for implementation and the decision may not be Called In again.

Option 2 - Recommend that the decision be reconsidered.

- 3.5 The Scrutiny Board may decide to recommend to the decision maker that the decision be reconsidered. If the Scrutiny Board chooses this option a report will be submitted to the decision maker.
- 3.6 In the case of an Executive Board decision, the report of the Scrutiny Board will be prepared within three working days of the Scrutiny Board meeting and submitted to the Executive Board. Any report of the Scrutiny Board will be referred to the next Executive Board meeting for consideration.
- 3.7 In reconsidering the decision and associated Scrutiny Board report, the Executive Board may vary the decision or confirm its original decision. In either case, this will form the basis of the final decision and will not be subject to any further call-in.

Failure to agree one of the above options

- 3.8 If the Scrutiny Board, for any reason, does not agree one of the above courses of action at this meeting, then Option 1 will be adopted by default, i.e. the decision will be released for implementation with no further recourse to Call In.

Formulating the Board's report

- 3.9 If the Scrutiny Board decides to release the decision for implementation (i.e. Option 1), then the Scrutiny Support Unit will process the necessary notifications and no further action is required by the Board.
- 3.10 If the Scrutiny Board wishes to recommend that the decision be reconsidered (i.e. Option 2), then it will be necessary for the Scrutiny Board to agree a report setting out its recommendation together with any supporting commentary.
- 3.11 Due to the tight timescales within which a decision Call In must operate, it is important that the Scrutiny Board's report be agreed at the meeting.
- 3.12 If the Scrutiny Board decides to pursue Option 2, it is proposed that there be a short adjournment during which the Chair, in conjunction with the Scrutiny Support Unit,

should prepare a brief statement proposing the Scrutiny Board's draft recommendations and supporting commentary. Upon reconvening, the Scrutiny Board will be invited to amend/agree this statement as appropriate (a separate item has been included on the agenda for this purpose).

- 3.13 This statement will then form the basis of the Scrutiny Board's report (together with factual information as to details of the Called In decision, lists of witnesses, evidence considered, Members involved in the Call In process etc).
- 3.14 The Scrutiny Board is advised that there is no provision within the Call In procedure for the submission of a Minority Report.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 Prior to submitting a Call In, a nominated signatory must first contact the relevant officer or Executive Member to discuss their concerns and their reasons for wanting to call in the decision. Part of this discussion must include the Member ascertaining the financial implications of requesting a Call In. The details of this discussion should be referenced on the Call In Request Form.
- 4.1.2 The background papers to this particular decision will make reference to any internal or external consultation processes that have been undertaken in relation to the decision.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 The background papers to this particular decision will make reference to any impact on equality areas, as defined in the Council's Equality and Diversity Scheme.

4.3 Council Policies and Best Council Plan

- 4.3.1 The background papers to this particular decision will make reference to any Council Policies and the Best Council Plan relevant to the decision.

4.4 Resources and Value for Money

- 4.4.1 The background papers to this particular decision will make reference to any significant resource and financial implications linked to the decision.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 This report does not contain any exempt or confidential information.
- 4.5.2 The background papers to this particular decision will make reference to any legal implications linked to the decision.

4.6 Risk Management

- 4.6.1 The background papers to this particular decision will make reference to any risk management issues linked to the decision.

5 Conclusions

- 5.1 In accordance with the Council's Constitution, an Executive Board decision has been Called In. This report advises the Scrutiny Board on the procedural aspects of Calling In the decision.
- 5.2 In particular, the Board is advised that the Call In is specific to the report considered by Executive Board at its meeting on 19th September 2018 and issues outside of this decision, including other related decisions, may not be considered as part of the Board's decision regarding the outcome of the Call In.

6 Recommendations

- 6.1 The Scrutiny Board is asked to note the contents of this report and to adopt the procedure as detailed within it.

7 Background documents¹

- 7.1 none

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.