

## GUIDANCE NOTE

### REQUESTS FOR SCRUTINY, INCLUDING COUNCILLOR CALL FOR ACTION (CCfA), LOCAL CRIME AND DISORDER MATTERS AND HEALTH AND SOCIAL CARE MATTERS

#### 1. INTRODUCTION

- 1.1. The Local Government Act 2000 introduced new models of governance and decision-making arrangements for local authorities in England and Wales. This included putting in place executive arrangements for decision-making through a smaller, more prominent, number of local councillors (the Executive Board). The overview and scrutiny function was established to hold the Executive Board to account for its decisions and to contribute to evidence-based policy development in the council.
- 1.2. In recent years, the role and responsibilities of overview and scrutiny have expanded significantly, with the function now responsible for investigating the delivery of services provided by a wide range of public, private and third-sector partners. Scrutiny's unique remit and enhanced public profile means that it can be the focus of many requests and suggestions for detailed investigations/inquiries.
- 1.3. Currently, there are a number of avenues for making a request for scrutiny, some of which are specifically set out in legislation. The Council's Constitution, through its Scrutiny Board Procedure Rules, makes provision for dealing with requests for scrutiny from a number of different sources and/or relating to different areas, including:
  - The Executive or Council;
  - Members of a Scrutiny Board;
  - Councillor Calls for Action (CCfA);
  - Local Crime and Disorder Matters;
  - Health and Social Care Matters;
  - Other sources, such as individual Members of Council, community groups and individual members of the public.
- 1.4. This guidance note seeks to provide general advice for Scrutiny Boards and Officers dealing with requests for scrutiny, along with more specific advice on:
  - Councillor Calls for Action (CCfA)<sup>1</sup>;
  - Local Crime and Disorder Matters<sup>2</sup>;
  - Health and Social Care Matters;

#### 2. BACKGROUND

- 2.1. Scrutiny's unique remit means that it is often in an excellent position to examine the links between organisations and see where working collaboratively could deliver enhanced services for local people. As such, Scrutiny Boards are often well placed to:
  - Use a variety of tools to identify areas for review;

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<sup>1</sup> As set out in Section 119 of the Local Government and Public Involvement in Health Act 2007

<sup>2</sup> As set out in Section 19 of the Police and Criminal Justice Act 2006

- Obtain all the information required to identify any shortcomings in specific areas;
  - Discuss matters of concern with those both in receipt of services and those responsible for service delivery;
  - Produce reports and make appropriate recommendations for improvement.
- 2.2. As such, where areas for improvement have been identified and/or where matters remain unresolved, the ability to give an issue wider consideration by referring it to one or more of the Council's Scrutiny Boards should be regarded as a useful additional tool.

### **3. REQUESTS FOR SCRUTINY**

#### General requests for scrutiny

- 3.1. Requests for scrutiny can emerge from a variety of sources and/or relate to a range of different areas (as set out in paragraph 1.3).
- 3.2. In broad terms, the Scrutiny Board Procedure Rules provide details of how requests for scrutiny from different sources should be administered. This can be summarised as follows:
- All requests for scrutiny received will be added to the agenda of the next ordinary meeting of the relevant Scrutiny Board;
  - Interested parties will be notified of the date, time and location of the Scrutiny Board meeting where a request for scrutiny will be considered;
  - At that meeting, the Scrutiny Board will determine whether or not to undertake a specific inquiry.
- 3.3. When deciding whether or not to undertake a scrutiny inquiry, a Scrutiny Board may usefully wish to consider and confirm whether:
- The matter raised relates to an issue that the Board has considered a similar issue recently, and if so whether the circumstances and/or evidence has changed significantly.
  - The matter raised relates solely to an individual and is being or should be pursued via the Council's and/or other existing complaints procedure.
  - A similar or related issue is already included on the Board's current work programme, as it may be more appropriate to link the request for scrutiny to an existing work item.
  - The matter might more usefully be considered and referred to an alternative Scrutiny Board (i.e. as part of another inquiry and/or Scrutiny Board work programme).
  - The matter raised is of sufficient significance and has the potential for scrutiny to produce realistic recommendations that could be implemented and lead to tangible improvements.
- 3.4. Where a Scrutiny Board is minded to undertake an inquiry as a result of a request for scrutiny, the Scrutiny Board will also consider:
- How the request meets the inquiry selection criteria;

- The impact on the Board's current work programme;
  - The time available to undertake an inquiry; and,
  - The level of resources required to carry out the work.
- 3.5. The decision whether or not to further investigate matters raised by a request for scrutiny is the sole responsibility of the Scrutiny Board. As such, any decision in this regard is final and there is no right of appeal.
- 3.6. Notification of the Scrutiny Board's decision (i.e. whether or not to investigate the matter(s) raised) will be provided based on the source of the original request, as follows:
- The Executive or Council – a detailed minute of the Scrutiny Board decision;
  - Members of a Scrutiny Board – a detailed minute of the Scrutiny Board decision;
  - Individual Members of Council – a detailed minute of the Scrutiny Board decision, followed by a letter on behalf of the Scrutiny Board.
  - Community groups and individual members of the public – a detailed minute of the Scrutiny Board decision, followed by a letter on behalf of the Scrutiny Board.
- 3.7. Where a Scrutiny Board decides not to investigate the matter(s) raised, the notification provided will include the reason(s) for that decision.
- 3.8. Where a Scrutiny Board decides to investigate the matter(s) raised, the notification provided will include an outline of the agreed actions with an indicative timetable. Notification of any significant deviation from this timetable will subsequently be provided.
- 3.9. A copy of any final report agreed by the Scrutiny Board and/or any recommendations made to the Council or the Executive Board will be made publically available and provided to the relevant parties as soon as practicable<sup>3</sup>.

#### Specific requests for scrutiny

- 3.10. Guidance on specific types of requests for scrutiny are attached to this guidance note as follows:
- Annex 1 – Councillor Calls for Action (CCfA);
  - Annex 2 – Local Crime and Disorder Matters;
  - Annex 3 – Health and Social Care Matters;

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<sup>3</sup> Subject to the provisions set out in the Local Government Act 2000 with regard to confidential and/or exempt information.

## REQUESTS FOR SCRUTINY: COUNCILLOR CALL FOR ACTION (CCfA)

### 1. INTRODUCTION

- 1.1. Resolving concerns of the local community is an important element of a local councillor's role, and frequently these are resolved via a network of contacts within the organisation. However, where matters remain unresolved, the ability to give an issue wider consideration by referring it to an Overview and Scrutiny Board should be regarded as a useful additional tool.
- 1.2. In this regard, the Government has recently introduced provisions at Section 119 of the Local Government and Public Involvement in Health Act 2007 referred to as 'Councillor Call for Action', to allow Councillors the opportunity to ask for discussions at Scrutiny Boards where *local* problems have arisen and other methods of resolution have been exhausted and failed to deliver an appropriate outcome.
- 1.3. This part of the guidance note relates to the process for administering a *Councillor Call for Action* (CCfA)<sup>4</sup> and aims to provide guidance and assistance for Members, Scrutiny Boards and Officers in the management and consideration of such requests.

### 2. BACKGROUND

- 2.1. Under the provisions set out in Section 119 of the Local Government and Public Involvement in Health Act 2007, a local member may raise a matter which relates to the discharge of any function of the authority that affects all or part of the ward for which the member is elected or any person who lives or works in that area, subject to the following exclusions,:
  - a matter which is a local crime and disorder matter within the meaning of section 19 of the Police and Criminal Justice Act 2006<sup>5</sup>;
  - individual complaints concerning personal grievances or commercial issues<sup>6</sup>;
  - any matter relating to a planning decision<sup>6</sup>;
  - any matter relating to a licensing decision<sup>6</sup>;
  - any matter relating to an individual or entity where a right of recourse, review or appeal already exists<sup>6</sup>;
  - any matter which is vexatious, discriminatory or not reasonable to be included on the agenda for, or to be discussed at, a Scrutiny Board meeting<sup>6</sup>;
  - any other matters specified in an order made by the Secretary of State from time to time.

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<sup>4</sup> As set out in Section 119 of the Local Government and Public Involvement in Health Act 2007

<sup>5</sup> Guidance on *Arrangements for the Scrutiny of Crime and Disorder Functions and Local Crime and Disorder Matters* is provided in Annex B of this guidance note.

<sup>6</sup> The Overview and Scrutiny (Reference by Councillors) (Excluded Matters) (England) Order 2008 defines an 'excluded matter' and came into force on 1 April 2009.

- 2.2. There is also provision for any matter to be referred to Overview and Scrutiny that consists of an allegation of systematic failure within the Council, notwithstanding the fact that the allegation specifies matters which would otherwise be excluded.
- 2.3. Best practice guidance on Councillor Call for Action (CCfA) has been published by the Centre for Public Scrutiny and the Improvement and Development Agency<sup>7</sup>. Whilst this guidance is not prescriptive it provides case study examples of good practice and local authorities that piloted CCfA arrangements. The key points emphasised in the guidance include:
- CCfA is a means of last resort and should be aimed at seeking resolution where other techniques have failed;
  - senior level officer and Member commitment to resolving issues is necessary for maximum effort;
  - any local CCfA guidance to be light touch;
  - the CCfA process should be developed through a consultation process involving Members and other local partners;
  - CCfA is designed to assist Members in dealing with local ward issues – problems which affect the whole Council area should be dealt with in another way;
  - Members will need to discuss what exactly will constitute the successful resolution of the issue;
  - the forum for discussion is less important than the fact that the issue should be discussed together in its entirety.

### **3. COUNCILLOR CALL FOR ACTION – THE LOCAL PROCESS**

#### Steps to be taken prior to making a Councillor Call for Action (CCfA) referral

- 3.1. The CCfA should be considered as a mechanism of last resort, where all other methods of resolution have been exhausted and failed to deliver an appropriate outcome.
- 3.2. In using the CCfA provisions, a ward member (the referring Member) must have regard to the guidance issued by the Secretary of State, outlined in 2.1 above, paying particular attention to those matters deemed to be excluded.
- 3.3. Prior to referring a CCfA to a Scrutiny Board, the referring Member must have made reasonable attempts to resolve the matter using all mechanisms and resources available to them as a ward councillor.
- 3.4. As a minimum, it is expected that the referring Member will have satisfied themselves that the issue is not an excluded matter and will have made reasonable attempts to resolve the matter by approaching one or more of the following:
- the relevant Director(s) and/or Chief Officer(s)
  - the relevant Executive Board member(s)
  - any relevant partnership bodies or local groups

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<sup>7</sup> Available from the Publications section of the Centre for Public Scrutiny website: [www.cfps.org.uk](http://www.cfps.org.uk)

### Making a Councillor Call for Action (CCfA) referral

- 3.5. Any CCfA request should be made in writing to the Head of Scrutiny and Member Development and be accompanied with supporting evidence, including details of any meetings and/or discussions that have taken place in an attempt to resolve the matter, along with any associated conclusions.
- 3.6. The purpose of providing such supporting evidence is to demonstrate that other appropriate methods of resolution have been explored and exhausted. As such, in providing any supporting evidence the referring Member should seek to demonstrate that:
  - All relevant internal routes of resolution have been followed, with sufficient time allowed to resolve the matter.
  - The matter should not be pursued via the Council's complaints procedure.
  - All relevant partner organisations have been informed of the matter (for example, through formal letters written on behalf of constituents), with sufficient time allowed to resolve the matter.
- 3.7. Where the Head of Scrutiny and Member Development deems that there is insufficient evidence to demonstrate that other methods of resolution have been exhausted then the request will be deemed invalid. In such circumstances, the Head of Scrutiny and Member Development will notify the referring Member in writing within 5 working days, detailing the reason(s) for the decision made.
- 3.8. Where a CCfA request has been deemed invalid, the referring Member shall have the right to appeal the decision of the Head of Scrutiny and Member Development. Any such appeals shall be made in writing to the Chief Democratic Services Officer within 5 working days of the original notification provided by the Head of Scrutiny and Member Development.
- 3.9. On receipt of such an appeal, the Chief Democratic Services Officer shall provide notification of the judgement made in relation to the CCfA request within 5 working days, detailing the reason(s) for the decision made. Such notification will be made in writing and provided to the referring Member and the Head of Scrutiny and Member Development.
- 3.10. The decision of the Chief Democratic Services Officer shall be final and there will be no further right of appeal.

### Prior to the Scrutiny Board meeting

- 3.11. Any valid CCfA request received will be included on the agenda of the next ordinary meeting of the appropriate Scrutiny Board. This shall include all supporting evidence<sup>8</sup> provided to demonstrate that other appropriate methods of resolution have been explored and exhausted.

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<sup>8</sup> Subject to the provisions set out in the Local Government Act 2000 with regard to confidential and/or exempt information.

- 3.12. The Head of Scrutiny and Member Development shall notify the referring Member of the date, time and location of the Scrutiny Board meeting where the request shall be considered.
- 3.13. At the discretion of the relevant Scrutiny Board Chair, the relevant member of the Executive Board, Area Committee Chair and/or appropriate officer will be invited to attend and contribute to the discussion at the Scrutiny Board meeting where a CCfA request is being considered.
- 3.14. In order to assist the Scrutiny Board in reaching a decision on a CCfA request, the Chair of the Scrutiny Board may also choose to invite other organisation(s) and/or individual(s) to attend and contribute to the discussion at the Scrutiny Board meeting.

During the Scrutiny Board meeting

- 3.15. All CCfA requests will to be looked at on their individual merits and on the basis of the evidence provided. The referring Member will be entitled to address the meeting of the Scrutiny Board when a CCfA request is being considered.
- 3.16. In considering whether or not to investigate the matter raised, the Scrutiny Board will have regard to:
- any powers which the referring Member may exercise in relation to the matter under consideration (i.e. exercise of functions by local councillors under local delegated decision-making arrangements);
  - any representations made by the referring Member as to why the matter should be investigated.
- 3.17. In order to assist the Scrutiny Board in deciding whether or not to investigate the matter(s) raised, the Chair of the Scrutiny Board may also choose to invite comments from any other organisation(s) or individual(s) deemed suitable.
- 3.18. When deciding whether or not to further investigate the CCfA, the Scrutiny Board may usefully wish to consider and confirm whether:
- There is sufficient evidence to demonstrate that:
    - All reasonable attempts have been made to resolve the matter by the referring Member.
    - The matter raised is not being progressed and all relevant service areas or partner organisations have been informed and allowed sufficient time to resolve the matter.
  - The matter is being or should be pursued via the Council's complaints procedure.
  - The Board has considered a similar issue recently, and if so whether the circumstances and/or evidence has changed significantly.
  - A similar or related issue is already included on the Board's current work programme, as it may be more appropriate to link the CCfA request to an existing work item.
  - The matter might more usefully be considered and referred to an alternative Scrutiny Board (i.e. as part of another inquiry and/or Scrutiny Board work programme).

- The matter referred has the potential for scrutiny to produce realistic recommendations that could be implemented and lead to improvements for anyone living or working in the referring Member's ward.
- 3.19. Where a Scrutiny Board is minded to undertake an inquiry as a result of a CCfA, the Scrutiny Board will also consider:
- How the referral meets the inquiry selection criteria;
  - The impact on the Board's current work programme;
  - The time available to undertake an inquiry; and,
  - The level of resources required to carry out the work.
- 3.20. The decision whether or not to further investigate the matter(s) raised is the sole responsibility of the Scrutiny Board. As such, any decision in this regard is final and there is no right of appeal.

After the Scrutiny Board meeting

- 3.21. Where a Scrutiny Board has considered a CCfA request, the Head of Scrutiny and Member Development will provide written notification of the outcome of the Scrutiny Board's deliberations to the referring Member, within 5 working days of the Scrutiny Board meeting.
- 3.22. Where a Scrutiny Board decides not to investigate the matter raised, this notification will include the reason(s) for that decision.
- 3.23. Where a Scrutiny Board decides to further investigate the matter(s) raised, this notification will include an outline of the agreed actions with an indicative timetable. The referring Member will be subsequently notified of any significant deviation from this timetable.
- 3.24. A copy of any final report agreed by the Scrutiny Board and/or any recommendations made to the Council or the Executive Board will be provided to the referring Member as soon as practicable<sup>9</sup>.

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<sup>9</sup> Subject to the provisions set out in the Local Government Act 2000 with regard to confidential and/or exempt information.



## REQUESTS FOR SCRUTINY: LOCAL CRIME AND DISORDER MATTERS

### 1. INTRODUCTION

- 1.1. Provisions in the Police and Justice Act 2006, namely Section 19, 20 and 21, extend the remit of local authorities to scrutinise crime and disorder functions. As a result, the Council has been required to designate a Scrutiny Board to act as the Council's 'Crime and Disorder Committee'. The Environment and Neighbourhoods Scrutiny Board has been assigned to fulfil this role.
- 1.2. Overall, in its capacity as a crime and disorder committee, the Scrutiny Board has powers to:
  - (a) Review or scrutinise decisions made (or action taken), in connection with the discharge of crime and disorder functions by the 'responsible authorities'<sup>10</sup>;
  - (b) Review or scrutinise any Member referred local crime and disorder matter;
  - (c) Make reports and/or recommendations to the Council or the Executive;
  - (d) Call an officer from a responsible authority to attend its meetings in order to answer questions or otherwise to provide information and to respond to reports or recommendations made by the Scrutiny Board;
  - (e) Co-opt additional members to serve on the committee, either with or without voting rights<sup>11</sup>
- 1.3. In addition, the Scrutiny Board must meet to review or scrutinise decisions made, or other action taken, by the responsible authorities at least once a year.
- 1.4. This part of the guidance note relates to the process for administering a *Local Crime and Disorder referral* and aims to provide guidance and assistance for Members, Scrutiny Boards and Officers in the management and consideration of such requests.

### 2. BACKGROUND

- 2.1. The Police and Justice Act 2006 makes provision for elected members to refer local crime and disorder matters to the Council's designated Crime and Disorder Committee. Local crime and disorder matters should be considered to encompass all community safety issues that affect all or part of the ward for which the member is elected or any person who lives or works in that area including:
  - Antisocial behaviour;
  - Other behaviour adversely affecting the local environment;
  - The misuse of drugs, alcohol or other substances

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<sup>10</sup> These are the authorities responsible for crime and disorder strategies, as detailed in the Crime and Disorder Act 1998, Section 5. In Leeds, *Safer Leeds* is the city's Crime and Disorder Reduction Partnership, therefore the 'responsible authorities' are those bodies represented on the Safer Leeds Partnership Executive

<sup>11</sup> Details are set out in Article 6 (Scrutiny Boards: Co-opted Members)

- 2.2. While the Police and Justice Act 2006 makes separate provision for the referral of local crime and disorder matter, in practice the principles and processes involved are essentially the same as for any Councillor Call for Action (CCfA) referral.

### **3. LOCAL CRIME AND DISORDER REFERRALS – THE LOCAL PROCESS**

#### Steps to be taken prior to making a local crime and disorder referral

- 3.1. A local crime and disorder referral should be considered as a mechanism of last resort, where all other methods of resolution have been exhausted and failed to deliver an appropriate outcome.
- 3.2. Prior to a referring a local crime and disorder matter to the Crime and Disorder Committee, the referring Member must have made reasonable attempts to resolve the matter using all mechanisms and resources available to them as a ward councillor. As a minimum, it is expected that the referring Member will attempted to resolve the matter by approaching the 'responsible authorities' represented on the Safer Leeds Partnership Executive.

#### Making a local crime and disorder referral

- 3.3. Any local crime and disorder referral should be made in writing to the Head of Scrutiny and Member Development and be accompanied with supporting evidence, including details of any meetings and/or discussions that have taken place in an attempt to resolve the matter, along with any associated conclusions.
- 3.4. The purpose of providing such supporting evidence is to demonstrate that other appropriate methods of resolution have been explored and exhausted. As such, in providing any supporting evidence the referring Member should seek to demonstrate that:
- All relevant internal routes of resolution have been followed, with sufficient time allowed to resolve the matter.
  - The matter should not be pursued via an existing complaints procedure.
  - Relevant responsible authorities have been informed of the matter (for example, through formal letters written on behalf of constituents), with sufficient time allowed to resolve the matter.
- 3.5. Where the Head of Scrutiny and Member Development deems that there is insufficient evidence to demonstrate that other methods of resolution have been exhausted then the referral will be deemed invalid. In such circumstances, the Head of Scrutiny and Member Development will notify the referring Member in writing within 5 working days, detailing the reason(s) for the decision made.
- 3.6. Where a local crime and disorder referral has been deemed invalid, the referring Member shall have the right to appeal the decision of the Head of Scrutiny and Member Development. Any such appeals shall be made in writing to the Chief Democratic Services Officer within 5 working days of the original notification provided by the Head of Scrutiny and Member Development.

- 3.7. On receipt of such an appeal, the Chief Democratic Services Officer shall provide notification of the judgement made in relation to the local crime and disorder referral within 5 working days, detailing the reason(s) for the decision made. Such notification will be made in writing and provided to the referring Member and the Head of Scrutiny and Member Development.
- 3.8. The decision of the Chief Democratic Services Officer shall be final and there will be no further right of appeal.

#### Prior to the Scrutiny Board meeting

- 3.9. Any valid local crime and disorder referral received will be included on the agenda of the next ordinary meeting of the appropriate Scrutiny Board. This shall include all supporting evidence<sup>12</sup> provided to demonstrate that other appropriate methods of resolution have been explored and exhausted.
- 3.10. The Head of Scrutiny and Member Development shall notify the referring Member of the date, time and location of the Scrutiny Board meeting where the request shall be considered.
- 3.11. Where a local crime and disorder referral is being considered, the appropriate representative(s) from the relevant 'responsible authorities' represented on the Safer Leeds Partnership Executive will be invited to attend and contribute to the discussion at the Scrutiny Board meeting.
- 3.12. In order to assist the Scrutiny Board in reaching a decision on a local crime and disorder referral, the Chair of the Scrutiny Board may also choose to invite other organisation(s) and/or individual(s) to attend the Scrutiny Board meeting.

#### During the Scrutiny Board meeting

- 3.13. All local crime and disorder referrals will to be looked at on their individual merits and on the basis of the evidence provided. The referring Member will be entitled to address the meeting of the Scrutiny Board when a local crime and disorder referral, raised by that Councillor, is being considered.
- 3.14. In considering whether or not to investigate the matter(s) raised, the Scrutiny Board will have regard to:
- any powers which the referring Member may exercise in relation to the matter under consideration (i.e. exercise of functions by local councillors under local delegated decision-making arrangements);
  - any representations made by the referring Member as to why the matter should be investigated.
- 3.15. In order to assist the Scrutiny Board in deciding whether or not to further investigate the matter(s) raised, the Chair of the Scrutiny Board may choose to invite comments from any other organisation(s) or individual(s) deemed suitable.

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<sup>12</sup> Subject to the provisions set out in the Local Government Act 2000 with regard to confidential and/or exempt information.

3.16. When deciding whether or not to further investigate the local crime and disorder referral, the Scrutiny Board may usefully wish to consider and confirm whether:

- There is sufficient evidence to demonstrate that:
  - All reasonable attempts have been made to resolve the matter by the referring Member.
  - The matter raised is not being progressed and all relevant service areas or partner organisations have been informed and allowed sufficient time to resolve the matter.
- The matter is being or should be pursued via an existing complaints procedure.
- The Board has considered a similar issue recently, and if so whether the circumstances and/or evidence has changed significantly.
- A similar or related issue is already included on the Board's current work programme, as it may be more appropriate to link the local crime and disorder referral to an existing work item.
- The matter referred has the potential for scrutiny to produce realistic recommendations that could be implemented and lead to improvements for anyone living or working in the referring Member's ward.

3.17. Where the Scrutiny Board is minded to undertake an inquiry as a result of a referral, the Scrutiny Board will also consider:

- How the referral meets the inquiry selection criteria;
- The impact on the Board's current work programme;
- The time available to undertake an inquiry; and,
- The level of resources required to carry out the work.

3.18. The decision whether or not to further investigate the matter(s) raised is the sole responsibility of the Scrutiny Board. As such, any decision in this regard is final and there is no right of appeal.

#### After the Scrutiny Board meeting

3.19. Where the Scrutiny Board has considered a local crime and disorder referral, the Head of Scrutiny and Member Development will provide written notification of the outcome of the Scrutiny Board's deliberations to the referring Member, within 5 working days of the Scrutiny Board meeting.

3.20. Where the Scrutiny Board decides not to investigate the matter(s) raised, this notification will include the reason(s) for that decision.

3.21. Where the Scrutiny Board decides to further investigate the matter(s) raised, this notification will include an outline of the agreed actions with an indicative timetable. The referring Member will subsequently be notified of any significant deviation from this timetable.

3.22. A copy of any final report agreed by the Scrutiny Board and/or any recommendations made to the Council or the Executive Board will be provided to the referring Member as soon as practicable<sup>13</sup>.

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<sup>13</sup> Subject to the provisions set out in the Local Government Act 2000 with regard to confidential and/or exempt information.

## REQUESTS FOR SCRUTINY: HEALTH AND SOCIAL CARE MATTERS

### 1. INTRODUCTION

- 1.1. The Local Government and Public Involvement in Health Act 2007 gave a duty to all 150 local authorities in England with social services responsibilities, to enable the formation of a Local Involvement Network (LINK). In summary, the LINK will act as the successor to the Patient and Public Involvement Forums (PPIF) but with an extended remit covering social care.
- 1.2. Under provisions in the Local Government and Public Involvement in Health Act 2007, the local LINK has the right to refer both health and social care matters to the relevant Scrutiny Board. In turn, this places responsibility on the appropriate Scrutiny Board to acknowledge any such referrals and keep the LINK informed about what actions, if any, will be taken.
- 1.3. This part of the guidance note relates to the process for administering a *Health and Social Care referral* and aims to provide guidance and assistance for Members, Scrutiny Boards and Officers in the management and consideration of such requests.

### 2. BACKGROUND

- 2.1. LINKs have been set up to give communities a stronger voice in how their health and social care services are delivered. Run by local people and groups, the role of a LINK is to promote involvement, to find out what people like and dislike about local services, monitor the care provided by services and use LINK powers to hold services to account.
- 2.2. Given the role and function of LINKs, the relation between the LINK and the Council's Scrutiny Boards will be key and more detailed information on this relationship is provided in a separate guidance note.
- 2.3. An important function of the LINK is the ability to refer both health and social care matters to the relevant Scrutiny Board. In turn, this places responsibility on the appropriate Scrutiny Board to acknowledge any such referrals and keep the LINK informed about the progress of any agreed actions.

### 3. HEALTH AND SOCIAL CARE REFERRALS – THE LOCAL PROCESS

#### Steps to be taken prior to making a health or social care referral

- 3.1. Under the Local Government and Public Involvement in Health Act 2007 and the Local Involvement Networks Regulations 2008, the local LINK has the right to refer any matter relating to the planning, provision and operation of health or social care services to the relevant Scrutiny Board.
- 3.2. This should not detract from the aspiration for relevant Scrutiny Boards to work closely with the LINK to ensure that knowledge about work programme items and emerging issues is regularly shared.

- 3.3. Any formal referral of such matters should be considered as a mechanism of last resort and occur in instances where the relevant health or social care service provider / commissioner has failed to provide a satisfactory response to a report/ recommendations produced by the LINK within 20 working days.

#### Making a health or social care referral

- 3.4. Any health or social care referral should be made in writing to the Head of Scrutiny and Member Development and be accompanied with supporting evidence, which outlines the rationale for the referral and demonstrates that the relevant health or social care service provider / commissioner has been given sufficient time to respond to the issue(s) raised.

#### Prior to the Scrutiny Board meeting

- 3.5. On receipt of a health or social care referral, the Head of Scrutiny and Member Development will ensure the matter, together with all the supporting evidence<sup>14</sup> provided by the LINK, is included on the agenda of the next ordinary meeting of the appropriate Scrutiny Board.
- 3.6. On behalf of the relevant Scrutiny Board, the Head of Scrutiny and Member Development shall acknowledge receipt of any health or social care referral within 20 working days of its receipt. Within this acknowledgement, details of the date, time and location of the Scrutiny Board meeting where the referral shall be considered will also be provided.
- 3.7. Where a health or social care referral is being considered, an appropriate representative from the relevant health or social care service provider / commissioner will be invited to attend and contribute to the discussion at the Scrutiny Board meeting.

#### During the Scrutiny Board meeting

- 3.8. All health or social care referrals will to be looked at on their individual merits and on the basis of the evidence provided. Representatives from the LINK will be entitled to address the meeting of the Scrutiny Board where such a referral is being considered.
- 3.9. In order to assist the Scrutiny Board in deciding whether or not to act on the referral, the Chair of the Scrutiny Board may also choose to invite comments from any other organisation(s) or individual(s) deemed suitable.
- 3.10. When deciding whether or not to act on the health or social care referral, the Scrutiny Board will consider the impact of any proposed action. In particular, where a Scrutiny Board is minded to undertake an inquiry as a result of a referral, the Scrutiny Board will consider:
- How the referral meets the inquiry selection criteria;
  - The impact on the Board's current work programme;
  - The time available to undertake an inquiry; and,
  - The level of resources required to carry out the work.

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<sup>14</sup> Subject to the provisions set out in the Local Government Act 2000 with regard to confidential and/or exempt information

3.11. The decision whether or not to act on the referral is the sole responsibility of the Scrutiny Board. As such, any decision in this regard is final and there is no right of appeal.

After the Scrutiny Board meeting

3.12. Where a Scrutiny Board has considered a health or social care referral, the Head of Scrutiny and Member Development will provide written notification of the outcome of the Scrutiny Board's deliberations to the LINK, within 5 working days of the Scrutiny Board meeting.

3.13. Where a Scrutiny Board decides not to act on the referral, this notification will include the reason(s) for that decision.

3.14. Where a Scrutiny Board decides to act on the referral, this notification will include an outline of the proposed actions and an indicative timetable. The LINK will subsequently be notified of any significant deviation from this timetable.

3.15. A copy of any final report agreed by the Scrutiny Board and/or any recommendations made to the relevant health or social care service provider / commissioner will be provided to the LINK as soon as practicable<sup>15</sup>.

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<sup>15</sup> Subject to the provisions set out in the Local Government Act 2000 with regard to confidential and/or exempt information.