

## **Arrangements and Terms of Reference for the Scrutiny Process**

Barnsley Council has established an Overview and Scrutiny Committee (OSC) to promote and coordinate its scrutiny activity. The OSC replaces the former Scrutiny Commissions that were established in 1999.

The OSC monitors the performance of services provided by the Council and other organisations. It also reviews decisions to see why they were taken and whether or not they have achieved anticipated outcomes. In order to do this the OSC will establish Task and Finish Groups (TFG) that will undertake detailed investigations on topics included in the scrutiny work programme, which will be reported to Cabinet. The work programme will be based on the Council's overall priorities in the Corporate Plan, and the OSC / TFGs will use data and information drawn from the performance management framework and other relevant sources to monitor performance.

The OSC and TFGs can take evidence from a wide range of people, including the representatives of other organisations who provide services to the public, those who receive them, or those who have some specialist knowledge which they might find helpful.

The OSC and TFGs have the right to question Cabinet Members and senior officers in relation to the scrutiny of Cabinet decisions and recommendations, and the performance of Council services. In the case of Cabinet recommendations scrutiny will take place before the recommendations are considered by the full Council.

Cabinet Members and appropriate officers have to attend the OSC or TFGs if requested. In addition, the Council's 'Section 41' representatives on the South Yorkshire Fire and Rescue, Pensions, and Integrated Transport Authorities can also be asked to attend, as can the Council's Members serving on the South Yorkshire Police and Crime Panel.

The OSC can make recommendations to Council on issues that arise from the scrutiny of Cabinet decisions, recommendations, and performance. For instance, the OSC may want to suggest that an area of Council policy should be reviewed. In order to do this the OSC will need to put its recommendations into a report, and the relevant Cabinet Members and Executive Officers must have the opportunity to read this and to comment when it is still in draft form, i.e. before it is finalised and approved by the Committee.

Cabinet has to respond in detail to such reports in line with the timescales set out in the protocol on Cabinet/scrutiny relations, as required by the Council's constitution.

Cabinet and outside organisations also have the right to comment on reports about OSC studies when they are still in draft form and before they are finalised and submitted to the Cabinet or Full Council.

### Councillor Calls for Action (CCfA)

One important way that Councillors can represent local communities is by bringing forward CCfAs. Under the Local Government and Public Health Act 2007, Councillors have the right to raise with scrutiny any issues that are of concern to their communities. It also provides a facility to raise concerns about matters that have not been the subject of a recent Executive decision so cannot be subject to the call-in procedure.

The protocol for progressing CCfAs is set out below:-

- a) all elected Members of the Council have the statutory right to bring forward issues to be scrutinised as CCfAs;
- b) any issue that a Councillor wants to look at must be a local government matter under the terms of the Local Government and Public Involvement in Health Act 2007. Any CCfAs will be submitted to the Executive Director, Core Services, who will determine their relevance in relation to the above Act and also determine whether they are most appropriately submitted to the OSC or to an Area Council;
- c) CCfAs that are deemed relevant will be placed on the agenda of the next relevant scheduled OSC/Area Council meeting. Where this is not possible the issue will be discussed at the following meeting;
- d) Councillors who submit a CCfA will be asked at the appropriate meeting:
  - (i) why they think the issue ought to be considered by the OSC/Area Council;
  - (ii) what their main areas of concern are;
  - (iii) what questions they would like to be answered;
- e) Councillors have the option of either presenting their CCfA without papers or preparing a report setting out their views. Any reports prepared by Councillors will be circulated with the agenda for the meeting;
- f) in considering the CCfA, the OSC/Area Council may invite the relevant Cabinet Spokesperson, Executive Director, or representatives of external organisations to discuss the issue at the meeting and to answer questions, if the meeting considers this relevant; and
- g) the OSC/Area Council should then decide if (i) it wishes to look at the CCfA again at a future meeting in greater depth, or (ii) it believes it has given the matter due consideration and no further work is required.

## How the OSC works

The OSC is responsible for:

- a) scrutinising key Cabinet decisions/recommendations and exercising 'call-in' if deemed necessary;
- b) scrutinising important decisions taken by other organisations;
- c) keeping a watching brief on a wide range of performance data, for the Council and for its partners;
- d) reporting a proposed work programme to the Cabinet for information, with acceptance that it is subject to change to enable the timely consideration of issues as appropriate;
- e) reporting findings and recommendations to the Cabinet;
- f) considering CCfAs, except where they are referred to an Area Council, in which case the OSC will retain a monitoring role; and
- g) receiving and considering the findings of Task and Finish Groups.

The OSC will meet formally 12 times per year in total however will meet 3 times per year in plenary mode to consider Safeguarding topics including continuing the private briefing on Children's Social Care performance and other significant issues, such as substantial National Health Service (NHS) changes.

For the remaining 9 meetings, Committee Members will allocate time to 3 workstreams which will each meet 3 times per year consisting of 12 Elected Members, aligned to the Council priorities of:

- o Thriving and Vibrant Economy
- o People Achieving Their Potential
- o Strong and Resilient Communities

Core safeguarding business will be undertaken in plenary OSC sessions, including a private briefing on Children's Social Care Performance. Safeguarding considerations will be a feature of all workstreams to ensure services are protecting the most vulnerable. However, safeguarding will be a key feature of the 'People Achieving Their Potential' workstream in challenging services to ensure they are achieving the outcome that 'children and adults are safe from harm'.

The OSC will also carry out its work programme through three TFGs that will each examine in detail three topics and report their findings to Cabinet and the

OSC. The TFGs will consist of around eight Members and be chaired by either the Chair of the OSC or one of three Task and Finish Group Leads. The three TFGs will concentrate on issues of concern arising from the agreed work programme.

The TFGs will call appropriate internal and external witnesses to their meetings, and report findings to the OSC when each investigation is completed.

Where appropriate, the OSC will co-opt individuals with particular experience or expertise who can contribute to its work on an ad hoc basis. This is in addition to those already co-opted on the committee and statutory representatives of the Anglican and Catholic dioceses and parent governors.

### Terms of reference and meetings practice

#### **(a) Overview and Scrutiny Committee (OSC)**

- 1 To exercise the powers granted to it under Section 9F of the Local Government Act 2000, and in particular to:-
  - monitor the performance of Council services and those provided by other organisations to residents in the borough, with particular reference to performance against the priorities established for the borough;
  - undertake reviews of Council policies and services, and make recommendations on how these policies and services might be improved;
  - review or scrutinise Cabinet decisions, including policy and budgetary proposals;
  - recommend as appropriate changes to Cabinet proposals, as set out in the Council's 'call-in' procedures; and
  - comment to Cabinet on issues identified in the Forward Plan.
- 2 To exercise powers on behalf of the local authority, granted under Section 244 of the National Health Service (NHS) Act 2006, as amended under Section 190 of the Health and Social Care Act 2012, in relation to the scrutiny of health services in the borough.
- 3 To consider matters referred to it by the local HealthWatch organisation or HealthWatch contractor, as set out in Part 21 of the Local Authority (Public Health, Health and Wellbeing Boards, and Health Scrutiny) Regulations 2013.

- 4 To act as the authority's designated crime and disorder scrutiny committee, as set out in the Police and Justice Act 2006.
- 5 To exercise 'call-in' of Cabinet decisions as it deems appropriate and in line with the Council's call-in procedures, as set out in the Council's constitution.
- 6 To reflect the views of local residents about the future provision of services in the borough.
- 7 To consider matters arising out of performance monitoring of local service provision by the Area Councils, where an issue with corporate or borough-wide implications has been identified.
- 8 To consider any Councillor Calls for Action that are of a strategic nature and/or have implications for the borough as a whole and therefore could not more appropriately be considered by an Area Council.
- 9 To invite to its meetings relevant experts/witnesses, including but not limited to:-
  - Cabinet Members;
  - Members of the Council's senior management team or their representatives;
  - Representatives of other appropriate organisations, including NHS bodies, service providers, and community groups;
  - The Council's 'Section 41' representatives on the three South Yorkshire Joint Authorities, namely (i) Fire and Rescue, (ii) Integrated Transport, and (iii) Pensions, and the Council's representatives on the South Yorkshire Police and Crime Panel.
- 10 To establish Task and Finish Groups to undertake detailed investigations in accordance with the Overview and Scrutiny Committee's work programme.
- 11 To make recommendations to Full Council about the appointment of non-statutory co-optees to the Committee itself and to the Task and Finish Groups.
- 12 To receive updates from the Task and Finish Groups on the progress of their investigations and to receive final reports from the Groups, with a view to taking these forward to Cabinet where appropriate.

### *Meetings Practice*

The Overview and Scrutiny Committee is a meeting of the Council under the terms of the Local Government Act 2000. Meetings will be subject to the relevant

provisions of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 regarding notice of meetings and the availability of papers. Meetings will be held in public, but direct public participation will not be permitted.

The Council's Standing Orders in relation to the chairing of and voting in meetings, and disclosure of interests by Members, apply to meetings of the Overview and Scrutiny Committee. The quorum for a meeting is one third of the Committee's members.

**(b) Task and Finish Groups (TFG)**

- 1 To undertake detailed investigations on the topics assigned to them by the Overview and Scrutiny Committee, with particular reference to the relevant performance management data.
- 2 To invite to its meetings relevant experts/witnesses to assist the Groups in carrying out their investigations, as set out in paragraph 9 of the Overview and Scrutiny Committee's Terms of Reference.
- 3 To report regularly to the Overview and Scrutiny Committee on the progress of investigations, and to submit to the Committee final reports on conclusion of each investigation.

*Meetings Practice*

Task and Finish Groups are not formal decision-making bodies and meet in private session. The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 do not therefore apply.