

APPENDIX

Ministry of Housing, Communities and Local Government

Scrutiny Guidance on Overview and Scrutiny in Local and Combined Authorities - May 2019

Guidance Section	Guidance - Key points	Current arrangements in Adur & Worthing
<p>1. Culture</p>	<p>Recognising scrutiny’s legal and democratic legitimacy – all members and officers should recognise and appreciate the importance and legitimacy the scrutiny function is afforded by the law.</p> <p>Identifying a clear role and focus – authorities should take steps to ensure scrutiny has a clear role and focus within the organisation, i.e. a niche within which it can clearly demonstrate it adds value.</p> <p>Authorities should ensure a clear division of responsibilities between the scrutiny function and the audit function.</p>	<p>This arrangement is set out in the Adur & Worthing JOSC Procedure Rules and is covered as part of the new Member scrutiny induction programme. All Directors and Heads of Service are aware of the importance of the scrutiny function.</p> <p>A clear challenge for local authorities is to ensure that Overview and Scrutiny arrangements provide an opportunity for engagement by back bench members to undertake scrutiny activity which generates findings and recommendations which make a real difference. It is difficult to measure whether or not the activities of the Scrutiny Committee are making a difference.</p> <p>This division of responsibility is clearly described in the terms of reference of the Joint Governance Committee. With smaller Councils it is difficult to get a complete separation between the memberships of relevant Committees and some members of the JOSC also sit on the Joint Governance Committee which has responsibility</p>

	<p>While scrutiny has no role in the investigation or oversight of the authority’s whistleblowing arrangements, the findings of independent whistleblowing investigations might be of interest to scrutiny committees as they consider their wider implications. Members should always follow the authority’s constitution and associated Monitoring Officer directions on the matter.</p> <p>Ensuring early and regular engagement between the executive and scrutiny – Authorities should ensure early and regular discussion takes place between scrutiny and the executive, especially regarding the latter’s future work programme. Authorities should, though, be mindful of their distinct roles:</p> <ul style="list-style-type: none"> ● The executive should not try to exercise control over the work of the scrutiny committee. ● The chair of the scrutiny committee should determine the nature and extent of an executive member’s participation in a scrutiny committee meeting, and in any informal scrutiny task group meeting. 	<p>for overseeing the audit function.</p> <p>The Joint Governance Committee receives reports relating to the Whistleblowing Policy and can refer to the JOSC any issues of concern.</p> <p>The Leaders and relevant Executive Members are held to account by JOSC annually on relevant items being considered by JOSC and also the Leaders attend JOSC twice a year for questioning on their work.</p> <p>When Executive Members are invited to attend JOSC they will receive an explanation of the reason for the request, together with questions pre submitted, details of the date of the meeting and time etc which is a requirement in the Procedure Rules.</p> <p>In Adur & Worthing the JOSC sets its own draft Work Programme but Councils have to formally approve the Work Programme and monitor any changes.</p> <p>There is, however, no direct discussion with the Executives on the Work Programme prior to it being set or during the year. Council meetings review the Work</p>
--	---	--

		<p>Programme in November/December each year for changes etc and this requirement is specified in the Procedure Rules.</p>
	<p>Managing disagreement – effective scrutiny involves looking at issues that can be politically contentious. It is therefore inevitable that, at times, an executive will disagree with the findings or recommendations of a scrutiny committee.</p> <p>It is the job of both the executive and scrutiny to work together to reduce the risk of this happening, and authorities should take steps to predict, identify and act on disagreement.</p> <p>One way in which this can be done is via an ‘executive-scrutiny protocol’ which can help define the relationship between the two and mitigate any differences of opinion before they manifest themselves in unhelpful and unproductive ways.</p> <p>Providing the necessary support – while the level of resource allocated to scrutiny is for each authority to decide for itself, when</p>	<p>There will always be differing points of view in Party Political situations. Scrutiny Members may take a particular view based on their Party Political allegiance and based on private Group meetings. However, this should not amount to pre determination and the Scrutiny Members need to keep an open mind, examine the evidence and take into account the views of stakeholders and Officer advice.</p> <p>The Executives will always consider all views submitted by JOSC and have a record of agreeing some recommendations and rejecting others.</p> <p>There is no ‘executive-scrutiny’ Protocol in place so there may be value in developing a Protocol like this to be included in the Constitution and the Procedure Rules. A Protocol of this kind could guide the relationship between Scrutiny Members, the Executives and Officers, provide more openness and help address any tensions.</p> <p>In common with most local authorities, the Councils have limited resources. The value of scrutiny is recognised by the Councils and the Councils have a Scrutiny and Risk</p>

	<p>determining resources an authority should consider the purpose of scrutiny as set out in legislation and the specific role and remit of the authority’s own scrutiny committee(s), and the scrutiny function as a whole.</p> <p>Support should also be given by members and senior officers to scrutiny committees and their support staff to access information held by the authority and facilitate discussions with representatives of external bodies</p> <p>Ensuring impartial advice from officers – authorities, particularly senior officers, should ensure all officers are free to provide impartial advice to scrutiny committees. This is fundamental to effective scrutiny. Of particular importance is the role played by ‘statutory officers’ – the monitoring officer, the section 151 officer and the head of paid service, and where relevant the statutory scrutiny officer. These individuals have a particular role in ensuring that timely, relevant and high-quality advice is provided to scrutiny.</p>	<p>Officer who supports the scrutiny function and works for the Director for Digital & Resources who also supports the function. The JOSC adopted a scoring process for the selection of scrutiny work programmes a few years ago and this is helping to drive up the quality of outcomes from scrutiny activity.</p> <p>The Councils have Access to Information Procedure rules which assist members of the JOSC in accessing information. The Working Group previously suggested that there should be no restrictions on scrutiny members’ access to information rights and that the Councillors rights and ‘need to know’ should be clarified in the Councils’ constitutions and also in the JOSC Procedure rules contained in the Constitutions.</p> <p>The Chief Executive and Senior Officers regularly provide advice to the JOSC in their deliberations, providing information and answering questions as required. There may be a difference of opinion about the way forward on a particular matter but Overview and Scrutiny Committee Members are able to request factual information and advice from Officers and are often supported by Officers in key lines of enquiry which may result in alternative views being presented to the Executives. All Member level reports, including reports to Overview and Scrutiny Committees are produced in accordance with a corporate template which requires the inclusion of available options, policy, risk, legal and</p>
--	---	---

	<p>Communicating scrutiny’s role and purpose to the wider authority – the scrutiny function can often lack support and recognition within an authority because there is a lack of awareness among both members and officers about the specific role it plays, which individuals are involved and its relevance to the authority’s wider work. Authorities should, therefore, take steps to ensure all members and officers are made aware of the role the scrutiny committee plays in the organisation, its value and the outcomes it can deliver, the powers it has, its membership and, if appropriate, the identity of those providing officer support.</p> <p>Maintaining the interest of full Council in the work of the scrutiny committee – part of communicating scrutiny’s role and purpose to the wider authority should happen through the formal, public role of full Council – particularly given that scrutiny will undertake valuable work to highlight challenging issues that an authority will be facing and subjects that will be a focus of full Council’s work.</p> <p>Authorities should therefore take steps to ensure full Council is informed of the work the</p>	<p>financial implications.</p> <p>This is explained to new Members as part of the induction programme and this includes tailored training on the legislation relating to overview and scrutiny and questioning skills techniques. The role of scrutiny is well understood amongst senior officers.</p> <p>The Working Group previously considered that to enable consideration of certain selected recommendations from JOSC to be debated at a high level (at the discretion of JOSC), that JOSC be allowed to recommend its proposals for debate at Full Council meetings rather than just to the Executives.</p> <p>The current JOSC Procedure Rules already allow for report from JOSC to be submitted to the Council meetings for consideration, however, Councils have no power over the issues which are in the control of the</p>
--	--	---

	<p>scrutiny committee is doing.</p> <p>One way in which this can be done is by reports and recommendations being submitted to full Council rather than solely to the executive. Scrutiny should decide when it would be appropriate to submit reports for wider debate in this way, taking into account the relevance of reports to full Council business, as well as full Council's capacity to consider and respond in a timely manner.</p> <p>Communicating scrutiny's role to the public – authorities should ensure scrutiny has a profile in the wider community. Consideration should be given to how and when to engage the authority's communications officers, and any other relevant channels, to understand how to get that message across. This will usually require engagement early on in the work programming process.</p>	<p>Executives due to legislation which vests power in the Leader so currently those recommendations would have to be submitted to the Executive and could still be ignored.</p> <p>JOSC Procedure Rules 19.0 and 19.1 allow for a Communications Strategy to be developed for each JOSC meeting in consultation with the JOSC Chairperson to promote the JOSC Work Programme. This envisages a proactive role by the Communications Team in assisting JOSC.</p> <p>The JOSC Chairmen and Vice-Chairmen meet regularly to discuss items for each JOSC meeting and highlight issues where the help of the Communications Team is required in promoting the JOSC work.</p>
--	---	---

	<p>Ensuring scrutiny members are supported in having an independent mindset – formal committee meetings provide a vital opportunity for scrutiny members to question the executive and officers.</p> <p>Inevitably, some committee members will come from the same political party as a member they are scrutinising and might well have a long-standing personal, or familial, relationship with them.</p> <p>Scrutiny members should bear in mind, however, that adopting an independent mind-set is fundamental to carrying out their work effectively. In practice, this is likely to require scrutiny chairs working proactively to identify any potentially contentious issues and plan how to manage them.</p>	<p>The importance of scrutiny acting as a ‘critical friend’ is dealt with as part of the induction programme.</p> <p>As stated earlier, party politics is a reality and entirely legitimate as long as predisposition based on political party does not amount to pre determination. Members need to keep an open mind, examine the relevant evidence and take into account officer advice and the views of stakeholders on the issue.</p> <p>All Members receive training and advice on how to deal with conflicts of interest arising from close family relationships or friendships.</p> <p>There is regular questioning of Leaders and Executive Members at JOSC and this is cross-party. The Chairmen ensure that there are no Party Political points scoring and rule out any questions asked of that type. Questions must relate to the item being considered.</p>
<p>Resourcing</p>	<p>When deciding on the level of resource to allocate to the scrutiny function, the factors an authority should consider include:</p> <ul style="list-style-type: none"> • Scrutiny’s legal powers and responsibilities; • The particular role and remit scrutiny will play in the authority; • The training requirements of scrutiny members and support officers, particularly the support needed to ask effective questions of 	<p>Scrutiny support for JOSC and its Working Groups is provided by the Scrutiny and Risk Officer. This individual is an experienced Officer who has political and policy development skills and provides impartial advice. The Officer reports to the Director for Digital and Resources. For every in-depth scrutiny review Officers from the relevant Service areas will also provide guidance on the issues being considered to assist the Scrutiny and Risk Officer. If the matter relates to an external service not</p>

	<p>the executive and other key partners, and make effective recommendations;</p> <ul style="list-style-type: none"> • The need for ad hoc external support where expertise does not exist in the council; • Effectively-resourced scrutiny has been shown to add value to the work of authorities, improving their ability to meet the needs of local people; and • Effectively-resourced scrutiny can help policy formulation and so minimise the need for call-in of executive decisions. <p>Authorities should ensure that, whatever model they employ, officers tasked with providing scrutiny support are able to provide impartial advice. This might require consideration of the need to build safeguards into the way that support is provided. The nature of these safeguards will differ according to the specific role scrutiny plays in the organisation.</p>	<p>provided by the Councils then relevant external support/advice is provided.</p> <p>Advice is provided by the Legal Officer for JOSC as appropriate and the Monitoring Officer as required.</p> <p>Training on questioning techniques is provided to new Members involved in Overview and Scrutiny and there are plans to provide more bespoke training on this subject.</p>
<p>Selecting Committee Members</p>	<p>An authority must consider when forming a committee that, as a group, it possesses the requisite expertise, commitment and ability to act impartially to fulfil its functions.</p>	<p>In Adur & Worthing once the allocation of Committee seats to Party Groups has been approved, appointment of members to Committees is agreed in accordance with the wishes of each Group as required by the Local Government and Housing Act 1989 and associated Regulations Each Group has its own process for deciding how to match Councillors to Committees.</p>

	<p>Authorities should take care to ensure that, as a minimum, members holding less formal executive positions, e.g. as Cabinet assistants, do not sit on scrutinising committees looking at portfolios to which those roles relate. Authorities should articulate in their constitutions how conflicts of interest, including familial links between executive and scrutiny responsibilities should be managed, including where members stand down from the executive and move to a scrutiny role, and vice-versa.</p> <p><u>Selecting individual committee members</u> When selecting individual members to serve on scrutiny committees, an authority should consider a member's experience, expertise, interests, ability to act impartially, ability to work as part of a group, and capacity to serve.</p> <p>Authorities should not take into account a member's perceived level of support for or opposition to a particular political party (notwithstanding the wider legal requirement for proportionality).</p>	<p>In Adur & Worthing Policy Advisors to Executive Members are allowed to sit on the Scrutiny Committee.</p> <p>The Member Code of Conduct includes provisions on how conflicts of interest should be managed by elected Members.</p> <p>See above for detail on how Members are selected by the Groups.</p>
--	--	--

	<p><u>Selecting a Chair</u> The attributes authorities should and should not take into account when selecting individual committee members also apply to the selection of the Chair, but the Chair should also possess the ability to lead and build a sense of teamwork and consensus among committee members.</p> <p>Chairs should pay special attention to the need to guard the committee's independence. Importantly, however, they should take care to avoid the committee being, and being viewed as, a de facto opposition to the executive.</p> <p>Given their pre-eminent role on the scrutiny committee, it is strongly recommended that the Chair not preside over scrutiny of their relatives. Combined authorities should note the legal requirements that apply to them where the Chair is an independent person.</p> <p>The method for selecting a Chair is for each authority to decide for itself, however every authority should consider taking a vote by secret ballot.</p>	<p>Chairing skills training is offered as part of the Member Development programme.</p> <p>This is an unlikely scenario but would be covered by the Code of Conduct.</p> <p>In Adur & Worthing the JOSCS Committee Chairmen are appointed at the Annual Council meeting each year. The law requires the appointment of the Chairman and Vice-Chairman to be decided by a majority. Currently the JOSCS Chairmen are from the majority group. The Worthing Vice-Chairman is from the majority group and the Adur Vice-Chairman is an independent member.</p>
--	---	---

	<p><u>Training for Committee Members</u></p> <p>Authorities should ensure committee members are offered induction when they take up their role and ongoing training so they can carry out their responsibilities effectively. Authorities should pay attention to the need to ensure committee members are aware of their legal powers, and how to prepare for and ask relevant questions at scrutiny sessions.</p> <p>When deciding on training requirements for committee members, authorities should consider taking advantage of opportunities offered by external providers in the sector.</p> <p><u>Co-option and technical advice</u></p> <p>While members and their support officers will often have significant local insight and an understanding of local people and their needs, the provision of outside expertise can</p>	<p>There is a comprehensive induction programme for new Members and this includes an offer of training on introduction to scrutiny, the responsibilities for the JOSC, skills for effective scrutiny and a brief introduction to questioning skills techniques.</p> <p>Officers, in consultation with the JOSC Chairmen/Vice-Chairmen, are looking at other types of scrutiny training that can be provided using an external provider.</p>
--	---	---

	<p>be invaluable.</p> <p>There are two principal ways to procure this:</p> <ul style="list-style-type: none"> • Co-option – formal co-option is provided for in legislation. Authorities must establish a co-option scheme to determine how individuals will be co-opted onto committees; and • Technical advisers – depending on the subject matter, independent local experts might exist who can provide advice and assistance in evaluating evidence. 	<p>Adur & Worthing JOSC Procedure Rules make provision for the co-option of non-voting members to the full JOSC or Working Groups if considered appropriate.</p> <p>The JOSC Procedure Rules also allow for the co-opted appointment of unelected members of the Working Groups or JOSC to assist JOSC reach an informed and well argued position on the issues of concern.</p>
<p>Power to Access information</p>	<p>When considering what information scrutiny needs in order to carry out its work, scrutiny members and the executive should consider scrutiny’s role and the legal rights that committees and their individual members have, as well as their need to receive timely and accurate information to carry out their duties effectively.</p> <p>Scrutiny members should have access to a regularly available source of key information about the management of the authority – particularly on performance management and risk. Where this information exists, and scrutiny members are given support to understand it, the potential for what officers might consider unfocused and unproductive requests is reduced as members will be able</p>	<p>The JOSC Procedure Rules and the Access to Information Procedure Rules in Part 4 of the Constitution set out clearly the rights of Overview and Scrutiny Committee members to access documents.</p> <p>All Scrutiny Members have access to key information about the performance of the authority and this is reported to Scrutiny on a regular basis as part of the Platforms for our Places update and reports relating to budget monitoring are also submitted on a regular basis. Information relating to Risks is reported to the Joint Governance Committee three times per year and Scrutiny Members can access these reports.</p>

	<p>to frame their requests from a more informed position.</p> <p>Officers should speak to scrutiny members to ensure they understand the reasons why information is needed, thereby making the authority better able to provide information that is relevant and timely, as well as ensuring that the authority complies with legal requirements.</p> <p>While each request for information should be judged on its individual merits, authorities should adopt a default position of sharing the information they hold, on request, with scrutiny committee members.</p> <p>The law recognises that there might be instances where it is legitimate for an authority to withhold information and places a requirement on the executive to provide the scrutiny committee with a written statement setting out its reasons for that decision. However, members of the executive and senior officers should take particular care to avoid refusing requests, or limiting the information they provide, for reasons of party political or reputational expediency.</p>	<p>This will occur at the JOSOC meetings and also via discussions between Officers and Councillors.</p> <p>All Members of the Council can ask for copies of the papers for the Cabinet meetings or the Joint Strategic Committee meetings. Most business is done in open session if possible and provisions enabling the JSC, Cabinets and other Committees to go into closed session are used sparingly as are the provisions for executive decisions to be taken urgently.</p>
--	--	--

	<p>Before an authority takes a decision not to share information it holds, it should give serious consideration to whether that information could be shared in closed session.</p> <p>Committees should be aware of their legal power to require members of the executive and officers to attend before them to answer questions. It is the duty of members and officers to comply with such requests.</p> <p><u>Seeking information from external organisations</u></p> <p>Scrutiny members should also consider the need to supplement any authority-held information they receive with information and intelligence that might be available from other sources, and should note in particular their statutory powers to access information from certain external organisations.</p> <p>When asking an external organisation to provide documentation or appear before it, and where that organisation is not legally obliged to do either, scrutiny committees should consider the following:</p> <p>a) The need to explain the purpose of scrutiny – the organisation being</p>	<p>This would always be an option. Scrutiny is entitled to see certain types of exempt information in any event.</p> <p>This is explained as part of the Council’s Member induction Scrutiny training and is also set out in the JOSC Procedure Rules.</p> <p>These steps set out in the Statutory Guidance are routinely followed in Adur & Worthing.</p>
--	--	--

	<p>approached might have little or no awareness of the committee's work, or of an authority's scrutiny function more generally, and so might be reluctant to comply with any request;</p> <p>b) The benefits of an informal approach – individuals from external organisations can have fixed perceptions of what an evidence session entails and may be unwilling to subject themselves to detailed public scrutiny if they believe it could reflect badly on them or their employer. Making an informal approach can help reassure an organisation of the aims of the committee, the type of information being sought and the manner in which the evidence session would be conducted;</p> <p>How to encourage compliance with the request – scrutiny committees will want to frame their approach on a case by case basis. For contentious issues, committees might want to emphasise the opportunity their request gives the organisation to 'set the record straight' in a public setting; and</p> <p>Who to approach – a committee might instinctively want to ask the Chief Executive or Managing Director of an organisation to appear at an evidence session, however it could be more beneficial to engage front-line staff when seeking operational-level detail</p>	<p>Any invitation to a front line staff member would usually be agreed with the relevant senior manager of an external organisation in the first instance.</p>
--	--	--

	<p>rather than senior executives who might only be able to talk in more general terms. When making a request to a specific individual, the committee should consider the type of information it is seeking, the nature of the organisation in question and the authority's pre-existing relationship with it.</p> <p>Scrutiny committees will often have a keen interest in 'following the council pound', i.e. scrutinising organisations that receive public funding to deliver goods and services. Authorities should recognise the legitimacy of this interest and, where relevant, consider the need to provide assistance to scrutiny members and their support staff to obtain information from organisations the council has contracted to deliver services. In particular, when agreeing contracts with these bodies, authorities should consider whether it would be appropriate to include a requirement for them to supply information to or appear before scrutiny committees.</p>	
<p>Planning Work</p>	<p>Effective scrutiny should have a defined impact on the ground, with the committee making recommendations that will make a tangible difference to the work of the authority. To have this kind of impact, scrutiny committees need to plan their work programme, i.e. draw up a long-term agenda</p>	<p>JOSC sets a rolling forward Work programme at the start of each Municipal Year and extra urgent items can be added to the Work Programme throughout the year.</p> <p>There is an agenda planning meeting of the JOSC Chairmen and Vice-Chairmen prior to each JOSC meeting.</p>

	<p>and consider making it flexible enough to accommodate any urgent, short-term issues that might arise during the year.</p> <p>Authorities with multiple scrutiny committees sometimes have a separate work programme for each committee. Where this happens, consideration should be given to how to co-ordinate the various committees' work to make best use of the total resources available.</p> <p><u>Being clear about scrutiny's role</u></p> <p>Scrutiny works best when it has a clear role and function. This provides focus and direction. While scrutiny has the power to look at anything which affects 'the area, or the area's inhabitants', authorities will often find it difficult to support a scrutiny function that carries out generalised oversight across the wide range of issues experienced by local</p>	<p>A progress report on the delivery of the work contained in the JOSC Work Programme is presented to each JOSC meeting and the timings/dates for each item are provisional and subject to change in agreement with the Joint Chairmen and the Committee.</p> <p>Items for the JOSC Work Programme are selected guided by the Council's Strategic Objectives set out in the strategic vision 'Platforms for our Places', the ability of the Committee to have influence and/or add value on the subject and the PAPER criteria (Public Interest (P), Ability to change (A), Performance (P), Extent (E) and Replication (R)). Requests are then considered initially by the Chairmen and Vice-Chairmen and reported to the next available meeting of the Committee. This systematic selection of topics for discussion and rigorous prioritisation of work programme items is driving up the quality of outcomes from scrutiny activity.</p> <p>As explained above, items are selected for the JOSC Work Programme guided by the Council Strategic objectives which ensures appropriate prioritisation.</p>
--	---	---

	<p>people, particularly in the context of partnership working. Prioritisation is necessary, which means that there might be things that, despite being important, scrutiny will not be able to look at.</p> <p>Applying this focus does not mean that certain subjects are 'off limits'. It is more about looking at topics and deciding whether their relative importance justifies the positive impact scrutiny's further involvement could bring.</p> <p>When thinking about scrutiny's focus, members should be supported by key senior officers. The statutory scrutiny officer, if an authority has one, will need to take a leading role in supporting members to clarify the role and function of scrutiny, and championing that role once agreed.</p> <p><u>Who to speak to</u></p> <p>The public - Authorities should consider how their communications officers can help scrutiny engage with the public, and how wider internal expertise and local knowledge from both members and officers might make a contribution.</p>	<p>The Scrutiny and Risk Officer assists JOSC in promoting and championing its role.</p> <p>JOSC regularly engages the help of the Communications team to help engage with the general public regarding items for the Work Programme via online requests and via social media.</p> <p>JOSC and the JOSC Working Groups are well placed to invite the public and interested stakeholders to become</p>
--	---	---

	<p>Partners – relationships with other partners should not be limited to evidence-gathering to support individual reviews or agenda items. A range of partners are likely to have insights that will prove useful:</p> <p>The Executives – a principal partner in discussions on the work programme should be the executive (and senior officers). The executive should not direct scrutiny’s work but conversations will help scrutiny members better understand how their work can be designed to align with the best opportunities to influence the authority’s wider work.</p> <p><u>Information sources</u></p> <p>Scrutiny will need access to relevant information to inform its work programme. The type of information will depend on the</p>	<p>involved in the work of JOSC. Working Groups will regularly undertake evidence gathering sessions to assist in the reviews and undertake online surveys/consultations to help with the work.</p> <p>Although there is a low level of general interest by the public in the activities of the JOSC, there has been a higher level of interest in single issues and JOSC receives scrutiny requests throughout the year..</p> <p>JOSC has access to relevant information to inform its Work Programme where required.</p>
--	--	--

	<p>specific role and function scrutiny plays within the authority, but might include:</p> <ul style="list-style-type: none">• Performance information from across the authority and its partners;• Finance and risk information from across the authority and its partners;• Corporate complaints information, and aggregated information from political groups about the subject matter of members' surgeries;• Business cases and options appraisals (and other planning information) for forthcoming major decisions. This information will be of particular use for pre decision scrutiny; and• Reports and recommendations issued by relevant ombudsmen, especially the Local Government and Social Care Ombudsman. <p>As committees can meet in closed session, commercial confidentiality should not preclude the sharing of information. Authorities should note, however, that the default for meetings should be that they are held in public.</p> <p>Scrutiny members should consider keeping this information under regular review. It is likely to be easier to do this outside committee, rather than bringing such information to committee 'to note', or to</p>	
--	---	--

	<p>provide an update, as a matter of course.</p> <p><u>Shortlisting topics</u></p> <p>Approaches to shortlisting topics should reflect scrutiny's overall role in the authority. This will require the development of bespoke, local solutions, however when considering whether an item should be included in the work programme, the kind of questions a scrutiny committee should consider might include:</p> <ul style="list-style-type: none"> • Do we understand the benefits scrutiny would bring to this issue? • How could we best carry out work on this subject? • What would be the best outcome of this work? • How would this work engage with the activity of the executive and other decision-makers, including partners? <p>Some authorities use scoring systems to evaluate and rank work programme proposals. If these are used to provoke discussion and debate, based on evidence, about what priorities should be, they can be a useful tool. Others take a looser approach.</p>	<p>The identification of items for the JOSC is explained earlier. JOSC will prioritise items using the 'PAPER' scoring system.</p> <p>Items for scrutiny are usually considered as either single items at a JOSC meeting or by a JOSC Working Group.</p>
--	--	--

	<p>Whichever method is adopted, a committee should be able to justify how and why a decision has been taken to include certain issues and not others.</p> <p>Scrutiny members should accept that shortlisting can be difficult; scrutiny committees have finite resources and deciding how these are best allocated is tough. They should understand that, if work programming is robust and effective, there might well be issues that they want to look at that nonetheless are not selected.</p> <p><u>Carrying out work</u></p> <p>Selected topics can be scrutinised in several ways, including:</p> <ul style="list-style-type: none"> a) As a single item on b) At a single meeting (c) At a task and finish review of two or three meetings d) Via a longer-term task and finish review – (e) By establishing a ‘standing Panel’. 	
<p>Evidence sessions</p>	<p>Good preparation is a vital part of conducting effective evidence sessions. Members should have a clear idea of what the committee hopes to get out of each session and appreciate that success will depend on their ability to work together on the day.</p>	<p>Good planning and preparation takes place for evidence gathering sessions organised as part of the JOSC Working Groups for all in-depth scrutiny reviews. A clear scope and lines of enquiry are established and clearly explained to those invited to give evidence and very often, to enable witnesses to prepare for the meeting and</p>

	<p><u>How to plan</u></p> <p>Chairs play a vital role in leading discussions on objective-setting and ensuring all members are aware of the specific role each will play during the evidence session.</p> <p>After an evidence session, the committee might wish to hold a short ‘wash-up’ meeting to review whether their objectives were met and lessons could be learned for future sessions.</p> <p>The development and agreement of recommendations is often an iterative process. It will usually be appropriate for this to be done only by members, assisted by co-optees where relevant. When deciding on recommendations, however, members should have due regard to advice received from officers, particularly the Monitoring Officer.</p> <p>Recommendations should be evidence-based and SMART, i.e. specific, measurable, achievable, relevant and timed. Where appropriate, committees may wish to consider sharing them in draft with interested parties.</p> <p>Committees should bear in mind that often six</p>	<p>come prepared with the evidence, they are provided with a set of questions which will be asked by the Working Group.</p> <p>Scrutiny skills training is provided as part of the new Member induction programme including questioning techniques etc.</p> <p>A draft report and recommendations is prepared in consultation with relevant Scrutiny Members and co-optees and relevant advice from officers is considered. The draft findings of fact and draft recommendations are usually provided to those who have supplied evidence to the Working Groups ahead of the publication of the Working Group report.</p>
--	---	---

	<p>to eight recommendations are sufficient to enable the authority to focus its response, although there may be specific circumstances in which more might be appropriate.</p> <p>Sharing draft recommendations with executive members should not provide an opportunity for them to revise or block recommendations before they are made. It should, however, provide an opportunity for errors to be identified and corrected, and for a more general sense-check.</p>	
--	--	--