

Protocol for Responses to Scrutiny Commission References and Reports

1. Introduction

- 1.1 The Borough Secretary can submit reports to the Cabinet summarising the views of the Scrutiny Commissions. These reports may be about Cabinet decisions or recommendations. Alternatively, they may arise out of their own 'proactive' investigations.
- 1.2 In the case of reports on proactive investigations, the Scrutiny Commission Support Team on behalf of the Borough Secretary will pass the draft text of a report to all contributing Executive Officers, Cabinet Members and External Agencies (with copies to the Cabinet Support Unit to check that relevant people have seen it). They will be requested to verify the factual accuracy of the evidence. They may also comment on any of the conclusions. Any direct quotes from individual witnesses would be verified the same way. Any response must be given within 14 days. These reports would then be subject to approval by the Commission before being referred to the Cabinet Support Unit.
- 1.3 In the case of Scrutiny Commission reports relating to Cabinet decisions or recommendations, these only have to be checked with the relevant Commission Chairs and Vice Chairs to make sure that they accurately reflect the views of their Commission.

2. Process for Consideration of Reports and Submission of Responses

- 2.1 Once a report has been confirmed the Scrutiny Commission Support Team on behalf of the Borough Secretary will refer it to the Cabinet Unit. Arrangements will then be made for the relevant Scrutiny Commission Chair to present the report to the next available Cabinet meeting. After this the Cabinet Support Unit will request responses from the relevant Executive Officers / Cabinet Members.
- 2.2 Responses must be referred to the Cabinet Support Unit within 28 days of the date on which the Cabinet considered the Scrutiny Commission report. Responses must address each issue raised by the Scrutiny Commission report with supporting arguments and justification. The report must include as appendices the original Cabinet report and the Scrutiny response. Reasons must be given why a Scrutiny Commission recommendation is or is not supported.

- 2.3 In some circumstances, Cabinet will agree to respond to a Scrutiny report by establishing a Joint Improvement Team with the Scrutiny Commission in question. The arrangements for the Joint Improvement Team are set out in the annex to this Protocol.
- 2.4 The Cabinet report will follow the normal process for reference into Scrutiny. Note that, where the report is in response to a reference back by Scrutiny of a Cabinet recommendation, Scrutiny will **not** have the facility to refer back to the proposal a second time.

3. Scrutiny 'Caseload' reports.

- 3.1 The Borough Secretary will submit periodic 'Scrutiny Caseload' reports to the Cabinet. These will cover progress in responding to formal scrutiny commission recommendations and also other requests made by the commissions (for example requests for information agreed to by the Executive side at commission meetings).
- 3.2 Caseload reports will be prepared in the following way:
- (i) The Minutes of Scrutiny Commission meetings will record any questions asked by members which could not be answered in the meeting, along with the Directorate required to provide the information.
 - (ii) The Scrutiny Support Team will contact the Directorates to remind them about the questions – as a general principle any requests for information are to be answered prior to the next scheduled meeting.
 - (iii) Any questions which are not answered within that timescale will be highlighted. The relevant Assistant Director / Executive Director is informed of this and given the opportunity to respond.
 - (iv) Delays in responding to Scrutiny Commission reports beyond the timescale are highlighted in an email to the Executive Directors. They are invited to explain the reasons for the delay and the likely response time.
- 3.3 Following consultation with the Chairs and Vice Chairs of the Commissions, the Borough Secretary will then submit a report to the Cabinet highlighting specific delays in responding to Commission reports or answering questions raised by Scrutiny Commission members.
- 3.4 In addition, the Cabinet Support Unit will be responsible for producing a quarterly statistical report to Cabinet analysed by Cabinet Portfolio, identifying the responses made to Scrutiny reports, showing in particular, whether or not the relevant timescales have been achieved.

4. Notes

- 4.1 It is acknowledged that, in some cases, there may be factors beyond the control of the service concerned which cannot be resolved within the timescale set for a response. In such cases, the response made must indicate the nature of these issues and when they are likely to be resolved. A further report will then be required within that timescale.
- 4.2 In the case of Cabinet Recommendations where there is a need to take a decision to comply with an externally set deadline, all parties will be required to work co-operatively in operating this procedure in the interests of the Borough as a whole.

Joint Improvement Teams – Operational Arrangements

1. Purpose

- 1.1 Joint Improvement Teams (JITs) provide an opportunity for joint working between the Executive and Scrutiny arms of the Council. They allow Cabinet and Scrutiny Commission Members to work together to agree practical ways of achieving improvements in Council services.
- 1.2 The main purpose of any JIT is to agree by consensus an action plan to take forward Scrutiny Commissions recommendations for service improvement, arising either from a proactive Scrutiny investigation or from the review of a Cabinet decision or recommendation. JITs are therefore a means of developing a response to a Scrutiny investigation, and do not conduct those investigations.

2. Arrangements for Establishing a Joint Improvement Team

- 2.1 The establishment of a JIT will always be approved by Cabinet. However, this approval might follow a recommendation in a report from the Executive of the Council or from a specific Scrutiny Commission, either prior to any Scrutiny investigation having taking place or as one of the recommendations arising from a Scrutiny Commission investigation.
- 2.2 A JIT will be composed of relevant representatives of the Cabinet and the relevant Scrutiny Commission. The relevant Cabinet Spokesperson and the Chair of the relevant Scrutiny Commission will determine the precise representation from each body, up to a maximum of 10 Members, having regard to the matter under consideration. Given the emphasis on developing a draft Action Plan by consensus and the need, in any event, for Cabinet to approve the Action Plan, the emphasis in seeking representation should be on gaining appropriate contributions, rather than seeking proportional balance.
- 2.3 Normally the Cabinet Spokesperson and relevant Scrutiny Chair will be joint Chairs of the JIT.

3. Arrangements for Officer Support

- 3.1 Officer support for JITs will be lead by the relevant Executive Directors, as agreed by Cabinet. The Executive Directors will liaise with the relevant Scrutiny Commission Adviser to agree arrangements for meetings of the JIT. The meetings administration will be provided by the Borough Secretary's Department.

4. Other Working Arrangements

- 4.1 The first meeting of any JIT will agree its terms of reference and any work programme for future meetings. This must be in line with the task set for the JIT and should be the subject of agreement between the Executive Directors and Scrutiny Commission Adviser. Where the JIT has been established in response to a Scrutiny Commission report, the recommendations in that report should form the basis of the terms of reference/work programme, although it will be open to the Executive to identify further issues for consideration when Cabinet considers the Scrutiny Commission report in question.

- 4.2 The objective of the JIT should be to develop by consensus an action plan for dealing with the issue under consideration. When responding to a Scrutiny Commission report, this action plan should be directly related to the recommendations made by the Scrutiny Commission. The action plan should give clear timescales and milestones for when particular actions should be completed, highlighting any issues that might influence or affect the implementation timetable. Any proposals or recommendations should be costed and the full financial implications for the Council identified. The recommendations and action plan will be reported to Cabinet for consideration and approval.

- 4.3 Once the Action Plan has been reported to Cabinet, the JIT concerned will be disbanded.

- 4.4 Any action plan, once approved, will be subject to periodic review in accordance with timescales and milestones in the action plan by the relevant Scrutiny Commission, in line with normal practice. The relevant Scrutiny Commission may wish to appoint a sub-group to undertake this review. The Scrutiny Commission or its sub-group may make recommendations to Cabinet on matters for attention arising out of this review.