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**Scrutiny**  
Improving Public Services

## **Health Overview and Scrutiny Committee**

### **Members Induction Programme**

**June 2009**



Essex County Council



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## Foreword

As Chairman of the Scrutiny Board it is my pleasure to welcome new Members of the County Council to their role on the Health Overview and Scrutiny Committee. This reports seeks to:

- explain the remit of the Committee
- provide an overview of Scrutiny Procedures
- give details of support officers
- outline the current schedule of meetings.

More detailed information on the way in which the PSCs operate is given in the Scrutiny Guide a copy of which has been given to all members as part of the ongoing induction process.

Effective scrutiny requires engagement by all Members of the Committee, both during its full meetings and in any Task & Finish Groups established to undertake more detailed and focussed investigations.

All Committees will seek to be apolitical in their operation with the main focus being the improvement of services for the residents of Essex. They will also seek to find innovative ways of trying to engage with service users to ensure discussions accurately reflect public concerns.

Whether it is delivering a scrutiny role holding the National Health Service to account or helping with policy development, engagement in the work of the PSCs can be extremely rewarding. Along with Cllr Susan Barker, Chairman of the Health Overview and Scrutiny Committee, I look forward to working with you over the next four years.



A handwritten signature in black ink that reads "Kay Twitchen." The signature is written in a cursive style.

Kay Twitchen OBE,  
Chairman,  
Essex County Council  
Scrutiny Board

## Health Overview and Scrutiny Committee

### Membership

Members	Office Held
Cllr S Barker	Chairman
Cllr A Naylor	Vice Chairman
Cllr R Boyce	Member
Cllr G Butland	Member
Cllr S Hillier	Member
Cllr M Hutchon	Member
Cllr E Johnson	Member
Cllr J Knapman	Member
Cllr M Miller	Member
Cllr J Reeves	Member
Cllr T Sargent	Member
Cllr P Channer	Substitute Member
Cllr L Dangerfield	Substitute Member

### Support Officers

Graham Redgwell  
Governance Officer  
Tel: internal 20360  
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Sophie Campion  
Committee Officer  
Tel: internal 20715  
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## Health Overview and Scrutiny Committee Schedule of Meetings for 2009/2010

The following dates are reserved for this committee as activity days and may comprise:

- Meetings in private
- Meetings in public
- Working Groups
- Sub-committee meetings
- Outside visits

Members should note that meetings usually take two and a half to three hours, although there are occasions when they will carry on into the afternoon. Advance notice of this will always be given.

Date 2009	Time	Venue
2 September	10.00 am	Committee Room 1
14 October	10.00 am	Committee Room 1
4 November	10.00 am	Committee Room 1
2 December	10.00 am	Committee Room 1
Date 2010	Time	Venue
6 January	10.00 am	Committee Room 1
3 February	10.00 am	Committee Room 1
3 March	10.00 am	Committee Room 1
7 April	10.00 am	Committee Room 1



# Overview and Scrutiny Issues

## Developing the current PSCs

**In December 2007 the Council adopted proposals for the modernisation of the Council's approach to Scrutiny, the aim of which was:**

*'to ensure the County Council's scrutiny committees are well-placed to adopt a challenging, outward looking approach which focuses on improving outcomes across public services in Essex; and ensuring consistency in approach and resourcing across a strategic scrutiny function, drawing on best practice both internally and externally.'*

The Policy and Scrutiny Committees emulate the best practice of Commons Select Committees, in terms of forward planning, the calling of evidence, independent research, the publication of findings and publicity for the Committees' plans and findings.

Important to this has been the formation of a Scrutiny Board comprising the Chairmen of the Policy and Scrutiny Committees and the Health Overview & Scrutiny Committee, together with the Chairman and Vice-Chairman of the Executive Scrutiny Committee and the Chairmen of the Area Forums. The role of the Board is to champion scrutiny, co-ordinating scrutiny work and promote best practice.

The new arrangements were officially launched on 27 March 2008 with Andrew Bennett. Andrew was a Labour MP from 1974 until 2005, Joint Chairman of the Select Committee on Environment, Transport and Regional Affairs 1997 – 2005 and Chairman of the Environment Sub-Committee from 1997 – 2005. He talked about his experiences as a Select Committee Chairman, how to achieve effective scrutiny and how to deal with being a Select Committee Chairman and a member of the Ruling Party. His considerable experience, knowledge of local government and candour were just what was needed to stimulate a wide-ranging debate and get the new structure off to a flying start.

Following the launch, informal meetings of all the new Policy and Scrutiny Committees were held, supported by outside facilitators. These meetings gave an opportunity for Members to understand the four principles of good scrutiny as promoted by the Centre for Public Scrutiny as detailed opposite

The facilitated meetings provided an opportunity to understand Members' experience of scrutiny so far and to learn from that experience. This then led to the Committees beginning to draft work programmes. The next round of meetings saw the Committees developing the work programme and beginning to scope individual pieces of work. This preparation was crucial to the success of the new arrangements.

### **CfPS Scrutiny objectives**

- provides "critical friend" challenge to executive policy-makers and decision-makers
- enables the voice and concerns of the public to be heard
- is carried out by independent minded members who lead and own the scrutiny role
- drives improvement in public services.



From this work a medium-term scrutiny programme was developed for the next 12 months or so, co-ordinated by the Scrutiny Board. Some of the issues discussed during the first round of Committee meetings were worked up to enable the Scrutiny Board to formulate a strategy for the continued development of the new scrutiny arrangements.

Every effort was made to make a success of the new arrangements and to develop them with the involvement of the Members responsible. There were regular reports to Council on progress and Members had the opportunity to ask questions of the Chairman of the Scrutiny Board and the Chairmen of the Policy and Scrutiny Committees.

Finally, as part the Authority's Diversity & Equality Commitment the Scrutiny Board agreed that, during the scoping of all future scrutiny reviews, a group of stakeholder organisations will be identified and invited to give written or oral evidence. At the same time, media and web publicity will enable members of the public to request a similar opportunity to influence the review.

## **Terms of Reference**

The terms of reference for each of the Policy and Scrutiny Committees is set out in Article 6 of the Constitution.

In respect of Health Overview and Scrutiny, this authorises the Committee to discharge the functions conferred by the Health and Social Care Act 2001. The Act gives local authority scrutiny the power to:

- review and scrutinise the planning, provision and operation of health services in the area
- require officers of local NHS bodies to attend meetings and answer questions
- make reports and recommendations to local NHS bodies and expect a response within 28 days

NHS Trusts have a statutory duty to:

- provide information
- consult on any proposed substantial developments or variations in the provision of services - guidance suggests that such consultation should be undertaken over a 90 day period

The HOSC can refer a substantial variation in service to the Secretary of State if it considers::

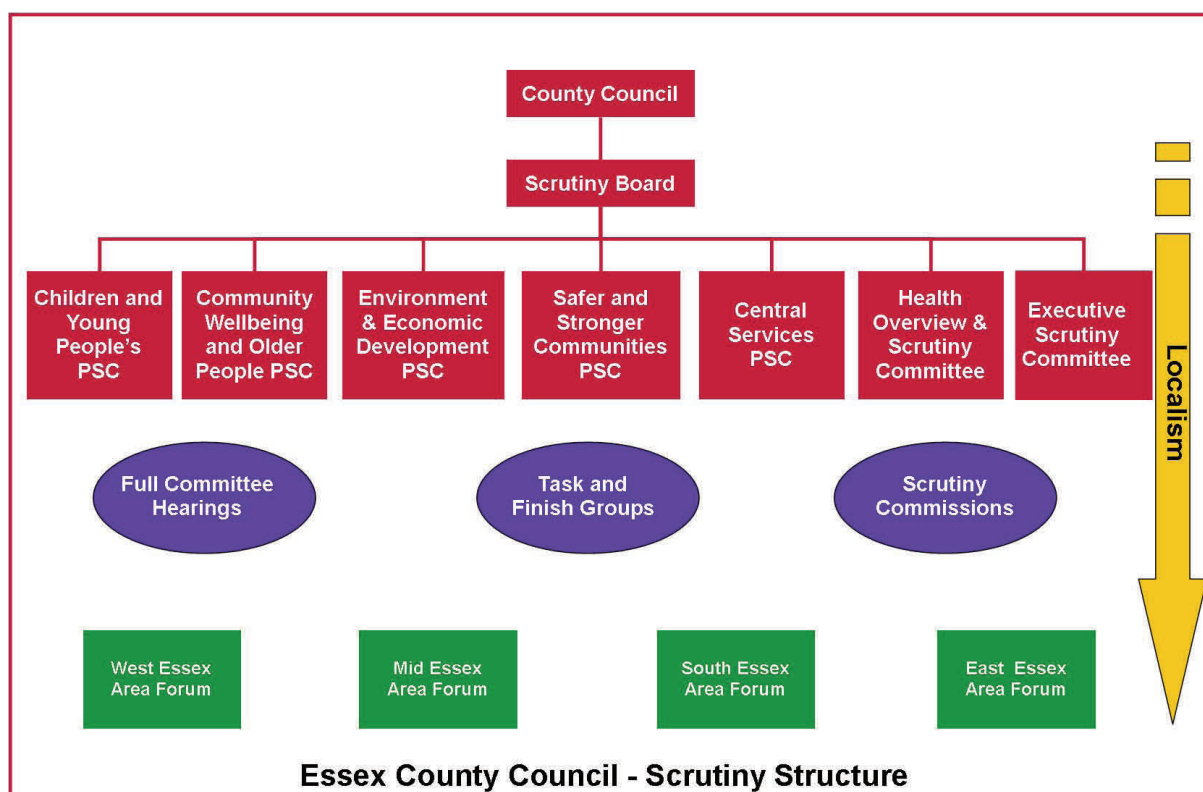
- there has been no consultation
- the consultation has been inadequate in relation to the content or the amount of time allowed or
- that a proposal would not be in the interests of the health service

The HOSC can devolve the above responsibilities to district councils, joint committees or other groups such as the Area Forum as is the case with the current review of cancer levels in South Essex.

Under section 31 of the Health Act 1999 the committees of social services authorities also have the power to scrutinize the social care services provided or commissioned by NHS bodies exercising local authority functions. This is in addition to their existing power to scrutinize local authority social services

## Procedures

Policy & Scrutiny Committees are established by the full Council within Article 6 of the Constitution. With the exception of the Executive Scrutiny Committee and the Health Overview & Scrutiny Committee they are referred to as Policy & Scrutiny Committees.



All forms of Overview & Scrutiny Committee are required to operate in accordance with the Procedure Rules set out in Part 4 of the Constitution.

## Political Proportionality

Whilst there is a statutory requirement for the Council to establish the overview and scrutiny committees on a proportionate basis, there is acceptance that effective scrutiny should be politically impartial. Article 6 of the Constitution lists the individual Committees and provides for them to appoint groups, panels, forums and commissions to which political proportionality need not be applied.

**There is an expectation that scrutiny should be politically impartial.**

The current arrangements also provide for local issues to be scrutinised by the appropriate Area Forum on behalf of one of the PSCs or HOSC. Recently this approach on behalf of the CYP PSC by the East Area Forum was highly acclaimed at the 2009 Centre for Public Scrutiny Awards.

Overview and scrutiny committees may also be appointed for a fixed period upon the expiry of which they shall cease to exist.

## Membership

All councillors except members of the Cabinet may be members of an overview and scrutiny committee. However, no member may be involved in scrutinising a decision which he/she has been directly involved in taking. Deputies to the Cabinet Members should not serve on an Overview and Scrutiny Committee that scrutinises the work undertaken by that Cabinet Member.

HOSC comprises of twelve members of the Council and four co-opted representatives from district and borough councils ensuring so far as possible that all borough and district communities are represented either by a county councillor or a district councillor.

## Meetings

In addition to ordinary meetings, extraordinary meetings may be called from time to time as and when appropriate. Any urgent decision to be taken between meetings will be taken on a consensual basis by the Chairman and two Vice-Chairmen for ratification at the next meeting.

## Quorum

The quorum for an overview and scrutiny committee shall be one quarter of the membership.

## Chairmanship

The Chairmen and Vice-Chairmen of the overview & scrutiny committees are appointed by the Council at its annual meeting.

The role of the Chairman is to work with the two Vice-Chairmen to:

- Provide leadership
- Facilitate & encourage the active involvement of all members
- Promote a consensual, apolitical approach to the Committee's activities
- Seek the endorsement of the full Committee to all recommendations and findings.

This demonstrates independence from Executive Members and their service departments and is intended to ensure the impartiality of the Committee when undertaking any future scrutiny. It applies as much to policy development as to post implementation reviews.

**'Committees should emulate the best practice of the House of Commons Select Committees, in terms of forward planning, the calling of evidence, independent research, the publication of findings and publicity for the Committees' plans and findings.'**

*Extract from the County Council paper proposing the current approach to overview & scrutiny*

## Work Programmes

Overview and scrutiny committees will be responsible for setting their own work programme and in doing so they shall take into account wishes of members on that committee who are not members of the largest political group on the Council. In order to demonstrate their flexibility and the need to accommodate urgent issues, these are generally referred to as "The Forward Look".

Members are encouraged to make suggestions for a Committee's Forward Look during the annual work programming exercise. Additionally, at each PSC and HOSC

meeting Members of the Committee can suggest urgent additions for that Committee's Forward Look. The Committee will prioritise the item alongside the existing programme and may either:

- Commission work to commence immediately
- Request a scoping document to be prepared to assist its decision, or
- Reject the suggestion

### **Agenda Items**

Any member of an overview and scrutiny committee or sub-committee shall be entitled to give notice to the nominated governance officer that he/she wishes an item relevant to the functions of the committee or sub-committee to be included on the agenda for the next available meeting of the committee or sub-committee. On receipt of such a request the governance officer will ensure that it is included on the next available agenda.

In addition, any Member can write to (or e-mail) the Head of Member Support & Governance giving an outline of the issue they wish to have scrutinised and their reasons. This will then be placed on the agenda of the next meeting of the Scrutiny Board for consideration against current priorities for allocation to the most appropriate PSC. At that stage the Scrutiny Board may recommend it be given priority over other items, be placed on the pending list, referred to the appropriate Area Forum or reject the request.

The Scrutiny Board will take such decisions in a way that helps the Forward Look to balance the need to undertake outward facing scrutiny projects against the need to monitor the implementation and review the impact of internal policy initiatives. Management of the PSC and HOSC work programmes may also require the prioritisation of a smaller number of items so that investigations can be done in depth. This helps the Scrutiny Function make a difference and make the best use of the member and staff resources utilised by the PSCs.

### **Policy Review and Development**

The role of overview and scrutiny committees in relation to the development of the Council's budget and policy framework is set out in detail in the Budget and Policy Framework Procedure Rules.

In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, overview and scrutiny committees may make proposals to Cabinet for developments insofar as they relate to matters within their terms of reference.

Overview and scrutiny committees may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay advisers, assessors and witnesses a reasonable fee and expenses for doing so.

### **Reports from Overview and Scrutiny Committees**

Once it has formed recommendations on proposals for development, an overview and scrutiny committee will prepare a formal report detailing its findings and recommendations. The report will indicate the appropriate officer, cabinet member or external organisation to which each recommendation will be submitted. Recommendations should only be made direct to officers where there are no policy or financial implications arising from their implementation.

If an overview and scrutiny committee cannot agree on one single final report to the Council or Cabinet, as appropriate, then up to one minority report may be prepared and submitted for consideration with the majority report.

Each recommendation within an overview & scrutiny report will include dates on which the committee intend to monitor both the implementation and then the impact of the recommendation.

The Chairman of the Scrutiny Board will make periodic reports to the County Council detailing the work of the overview & scrutiny committees.

### **Attendance of Members and Officers**

An overview and scrutiny committee may require any member of the Cabinet or senior officer to attend before it in relation to matters within their remit:-

- i) any particular decision or series of decisions
- ii) the extent to which the actions taken implement Council policy

and it is the duty of those persons to attend if so required.

Where any member or officer is required to attend an overview and scrutiny committee under this provision, the chairman of that committee will inform the governance officer. The governance officer shall inform the member or officer in writing giving reasonable notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the committee. Where the account to be given to the committee will require the production of a report, then the member or officer concerned will be given sufficient notice to allow for preparation of that documentation.

Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the overview and scrutiny committee shall in consultation with the member or officer arrange an alternative date for attendance to take place, or agree that evidence be given in writing or by video recording.

### **Attendance by Others**

An overview and scrutiny committee may invite people other than those referred in paragraph 12 above to address it, discuss issues of local concern and answer questions.

### **Call-In**

Call in should only be used in exceptional circumstances. Day to day management decisions taken by Cabinet Members or officers and operational decisions taken by officers should not be subject to call in.

The power to call in decisions will be exercised by the Executive Scrutiny Committee. Any member of the Executive Scrutiny Committee may call in a

decision by notifying the proper officer in writing.

Where a decision is made by the Cabinet, by an individual Cabinet Member, or where key decision is made by an officer under delegated powers, the decision shall be published (including where possible by electronic means) and shall be available at the main offices of the Council within three clear working days of being made. Members of the Executive Scrutiny Committee shall be sent copies of the notice of all such decisions also within three clear working days.

The notice publishing such decision shall bear the date upon which it is published and will specify that the decision will come into force and may then be implemented on the expiry of three clear working days after publication unless called in.

During the period specified in (d) above, the proper officer shall call in the decision for scrutiny by the Executive Scrutiny Committee, if so requested in writing by a member of that Committee. The members will set out in writing the reasons for calling the decision. The proper officer shall then call a meeting of the Committee on such date as he or she decides (where possible after consultation with the Chairman of the Committee) and in any case within ten clear working days of the request to call in.

Prior to the meeting of the Committee arranged under (e) above, the Chairman may, with the agreement of the member calling the matter in, arrange a meeting between him/herself, the member calling in the decision and the decision taker to discuss the issue.

Having considered the decision, the Executive Scrutiny Committee may refer it back to the decision taker setting out in writing its concerns or refer the matter to the full Council also with a record of its concerns. Upon a referral to a decision taker, the decision shall be reconsidered within five clear working days amending the decision or not before adopting a final decision. If the decision taker is an officer, the decision must be reconsidered in consultation with the appropriate cabinet member.

If the Executive Scrutiny Committee does not refer a decision to either the decision taker or the Council, the decision shall take effect at the conclusion of the meeting of the Committee.

If, following a reference of a decision from the Executive Scrutiny Committee, the Council objects to that decision it will be referred to the decision taker together with the Council's views. The decision taker will reconsider the decision within five clear working days deciding whether or not to amend the decision before implementing it. If the decision taker is an officer, the decision must be reconsidered in consultation with the appropriate cabinet member(s).

If the Council does not refer a decision to a decision taker then the decision shall take effect at the conclusion of the meeting of the Council.

A request to call in a decision may be withdrawn at any time by those making the request.

The call-in procedure set out above does not apply where the decision being taken is urgent. A decision is urgent if any delay is likely to prejudice the Council's, the public's or an individual's interests.

The record of a decision and the notice by which it shall be made public shall state whether in the opinion of the decision taker (if an individual) or the Leader of the Council is an urgent one and therefore not subject to call in. The Chairman of the

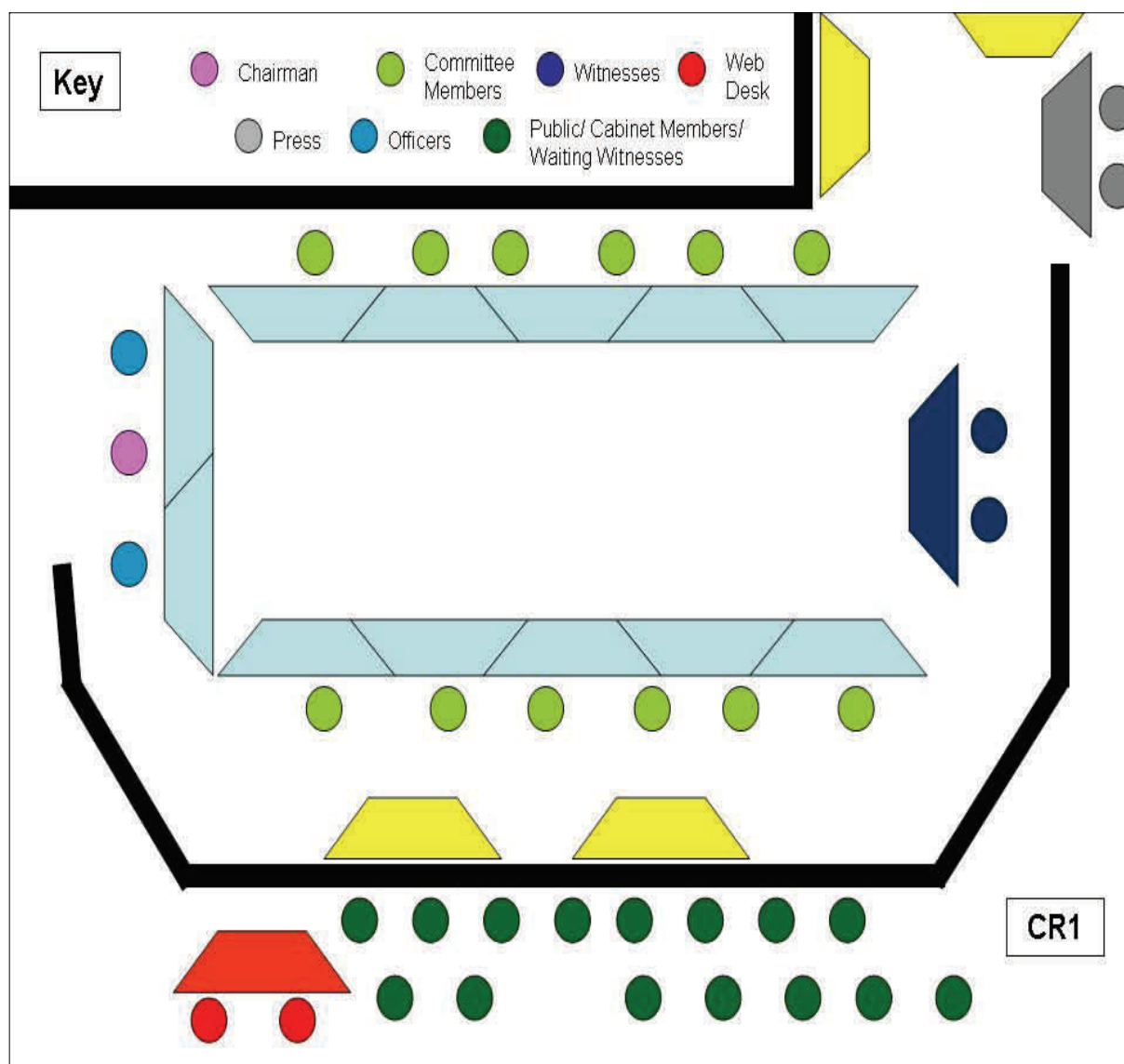
Council must agree both that the decision proposed is reasonable and that it should be treated as a matter of urgency.

In the absence of the Chairman the Vice-Chairman's agreement is required. In the absence of both, the agreement of the Head of the Paid Service (or his nominee) must be obtained. Decisions taken as a matter of urgency shall be reported to the next available meeting of the Council together with the reasons for urgency.



## Lay Out of Committee Room 1

For the purposes of scrutiny, Committee Room 1 is arranged as shown below. Committee Members would normally choose where they wished to be seated (within the light green area shown below). However on occasion the meeting may be webcast. On these occasions it is necessary for Committee Officers to set camera angles, prior to the meeting to ensure the best pictures for the live or recorded broadcast. For this reason seats are assigned to Members and a name plate will be placed on the table guiding Members to their seat.



## Members Declaration Of Interest

Every Committee agenda has a standing item which gives the Chairman the opportunity to ask Members if they wish to declare a personal or prejudicial interest in any of the matters that the Committee will be discussing at the meeting. If in any doubt about whether a declaration should be given Members are advised to declare an interest.



## Webcasting

### Background:

A number of committee and Full Council meetings have been webcast (broadcasting over the internet) over the last two years. The webcasting of meetings has been done on an ad hoc basis, determined by the nature of the business. In April 2009 Essex County Council entered into an 18 months contract with Public-i to deliver a Webcasting Pilot Project.

The pilot project is being undertaken as a joint initiative between the Member Support & Governance and Communication teams.



Web Camera in Committee Room 1

Essex County Council is committed to informing the public in the democratic process to encourage an atmosphere of trust with the electorate. Webcasting is the most effective way of distributing video to website users without the need for specialist software giving the public access to decision making and demonstrating transparency.

The hosting aspects of these facilities will enable Chairmen of Policy & Scrutiny Committees and/or task & finish groups to launch scrutiny reviews, highlight issues or introduce final reports in webcast format.

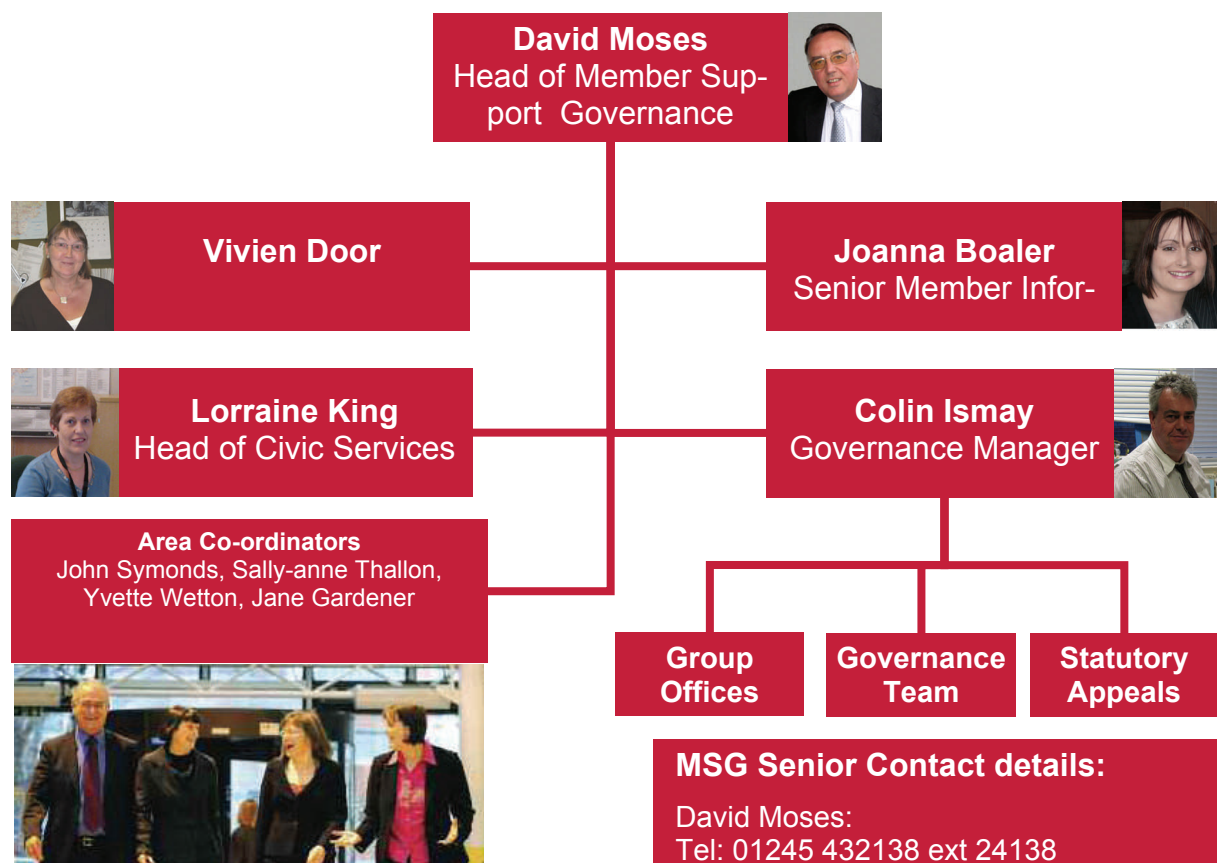
Webcasting cameras have been installed in Committee Room 1 to allow live or recorded webcasting and other significant activities.

During the pilot period it is intended to trial the facilities in a number of ways, such as:-

- Live or recorded broadcasts of meetings; such as Development & Regulation, HOSC and Policy & Scrutiny Committees, Area Forum Meetings and Full Council
- Widening the way in which the county council takes evidence by use of video messages from people wishing to give evidence or showing recordings of site visits by small groups of Members.
- Video clips of individual Members and or/ Chairmen presenting findings of scrutiny reviews

## Member Support

The Member Support & Governance (MSG) Unit within the Policy, Community Planning & Regeneration directorate is responsible for providing support to all Members other than for the Leader & Cabinet Members when undertaking their Executive roles. The Head of MSG reports to the Director of Policy and the unit comprises the services managed by the following managers:



A more detailed explanation of the work of each section within MSG is available on a self-playing powerpoint CD which can be obtained on request from [member.support@essex.gov.uk](mailto:member.support@essex.gov.uk).

Each Policy & Scrutiny Committee is supported by both a Governance and Committee Officer as shown on page 2... The role of the Governance Officer is to undertake research on behalf of and provide advice to the PSC. Committee Officers distribute agenda papers, organise attendance by officers & external witnesses and produce minutes of both Committee and Task & Finish Group meetings.

## Health Overview and Scrutiny Committee

### Scrutinies Undertaken So Far

This Committee works under different legislation from the County Council's committees and its role differs slightly.

Over the last year the Committee has continued its move towards becoming a more strategically orientated body, concentrating on the bigger picture. Whilst some local variations have been discussed, these have been relatively few in number compared with previous years. It has also been noticeable that most of these were looking to improve, rather than cut back on, a service. As such they were welcomed by us.

In general we have concentrated on five issues:

- Presentations from and work with health bodies.
- Building the relationship with the Essex and Southend LINKs.
- Major reviews of specific topics.
- Regional and sub regional work.
- The Way Ahead.

### Outcomes To Date

#### Presentations From and Work with Health Bodies

We have received a number of detailed presentations by senior officers from health bodies in the county and have then been able to discuss with them in depth their commissioning and financial plans for the next three years.

#### Building the Relationship with the Essex and Southend LINKs

Although the LINKs also has a relationship with the County Council, much of its work will be health orientated. It is therefore vital that we build up a constructive and robust relationship. To further this work, a working protocol is being drawn up. We have also held two joint information gathering sessions (on World Class Commissioning and on health inequalities) pooling resources and expertise to our mutual benefit. In particular, we see the LINKs acting as a major contributor in a witness role in future studies.



#### Membership

##### County Councillors:

- Susan Barker, Chairman
- Ann Naylor Vice Chairman
- Bob Boyce
- Colin Finn
- Ray Gooding
- Eddie Johnson
- Maureen Miller
- Jill Reeves
- John Schofield
- Roy Smith
- Julie Young

##### District Councillors

- Kevin Watson  
Tendring District
- Tony Shelton  
Braintree District
- Andrew Baggott  
Basildon District
- Janet Whitehouse  
Epping Forest District

## Regional and Sub Regional Work

Since the establishment of the East of England Strategic Health Authority a few years ago, an increasing amount of health-related work has been regionally orientated.

In addition, for 2008/09 Essex has chaired both the Regional Chairs Forum and its officer support group, enabling us to have a major say at this level.

There have been substantial developments in this time, including the Authority's Five Year Strategic Plan being published alongside a range of proposals for specialist services. Increasingly a specialist service is being provided at only one or two locations in the region rather than in each County/Unitary and this has required some sensitive debate on occasions.

## Major Reviews of Specific Topics

Our remit enables us to look at specific topics in considerable depth, holding witness sessions and then putting forward a raft of proposals to appropriate agencies. Over the last year we have undertaken three reviews:-

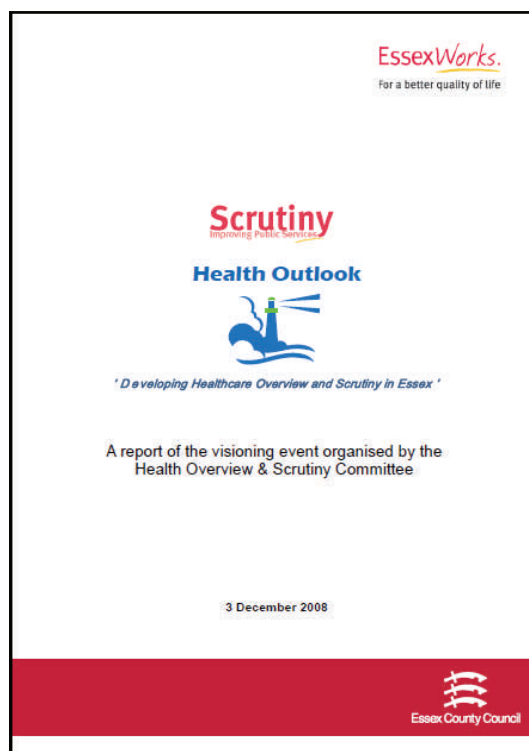
- (a) Renal Services.
- (b) Commissioning in West Essex (although the outcomes are likely to have implications county wide).
- (c) Children & Adolescent Mental Health Services (CAMHS).

## The Way Ahead

In association with the Essex & Southend LINK, HOSC held an away day in December 2008 with a number of colleagues from Health Services to discuss how we might work in the future.

Health Overview and Scrutiny Committees have now been operating for eight years and it is an opportune time with an election coming up to look at the ways of working and present proposals to our successor body.

The event was entitled 'Health Outlook' and the Chairman of HOSC is to meet with the Chief Executives of the PCTs and representatives of the SHA to discuss its recommendations.





**This report is issued by**  
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