

Overview and Scrutiny

Annual Report

2011/12

1. Preface

The Annual Report is an important opportunity to evaluate the contribution the scrutiny function makes to the work of the Council. It is an opportunity to highlight the achievements of scrutiny and to evaluate the health of the function. The fact that work is undertaken is not sufficient of itself – impact, outcomes and results should be the central criterion for demonstrating achievement.

2. Roles and Responsibilities of the Overview and Scrutiny Committees

The Overview and Scrutiny Committees, within their terms of reference, will:

- (i) engage in policy review and policy development, with a focus on improvement and how it can best be achieved;
- (ii) scrutinise decisions made or actions taken in connection with the discharge of the Council's and the Cabinet's functions;
- (iii) scrutinise the performance of the Council and the Cabinet;
- (iv) engage with the community and encourage community engagement;
- (v) question and engage with Members of the Cabinet and/or Committees and Chief Officers;
- (vi) look outwards and show community leadership by providing constructive challenge to other public bodies particularly those with whom the Council delivers services in partnership;
- (vii) consider any matter affecting the area or its inhabitants;
- (viii) consider any matters referred by full Council or Cabinet;
- (ix) make recommendations to the Cabinet and/or Council arising from the outcome of the scrutiny process; and
- (x) take evidence from a senior Council Officer/Cabinet Member if requested by a petition supported by at least 2,000 signatures as specified in the Council's Petitions Policy.

3. The Work of the Overview and Scrutiny Committees

The Scrutiny Board

The Board has responsibility for the direction and management of the Council's overview and scrutiny functions. It works to achieve a consistent level of high performance across the Committees and ensure that the resources available to scrutiny are used wisely.

Because of the similarities between the work of scrutiny and audit, the Chairmen of Committees had an interesting session with senior officers from Internal Audit on how they plan and undertake a review to understand how the Committees can improve on their practices. The lessons learned were taken back to the individual committees and the session has also led to opportunities for closer working between Internal Audit and Scrutiny.

Committee Chairmen have been concerned to ensure that members are best matched to the Committees of their choice and that members are participating fully in the work of the Committees. Every effort is made to meet members' preferences for Committees but it is not possible to satisfy everyone. With this in mind, Members were reminded that:

- any Member can attend a meeting of a Policy and Scrutiny Committee;
- any Member can ask a Chairman in advance to speak on a particular issue at the Chairman's discretion;
- if the Chairman agrees that a Member can attend and speak, then the attendance would qualify as an approved duty;
- Members who attend out of interest as a member of the public can claim for two meetings per month within the allowance scheme;
- Members not on the Committee membership and invited to attend the meeting should sit with the Committee for their particular item;
- Members who are not a Member of the Committee can be invited by the Chairman to become a Member of a Task and Finish Group where they have a particular interest or expertise; and
- Substitute Members are encouraged to attend as many meetings as possible to ensure continuity. All such attendances would count as an approved duty.

Where it is felt that members are not engaged with the work of a particular committee they may be asked to step down in favour of another member wishing to sit on that committee. Changes to memberships have been made as a result.

A further meeting of the Essex-wide Member Scrutiny Network took place in the New Year to progress ideas on how to achieve greater co-operation across the scrutiny function. There are already signs that bringing scrutiny members together is leading to the sharing of ideas between authorities.

Changing ways of working

The Children and Young People Policy and Scrutiny Committee has a very wide remit and has therefore sought to concentrate work on activities where a difference can be made. The Committee is the only scrutiny committee that must have co-opted members (they represent parent governors and the church schools). This gives the Committee a different aspect on a number of matters. The Committee maintains an oversight of work carried out by the Young Essex Assembly. Members are available to offer advice and encouragement to the young people involved during the investigative part of their work and can help to move forward any recommendations. This gives a different perspective on issues from an age group whose views are often overlooked.

Increasingly, it has looked at more pre scrutiny/policy development work. Sometimes, because of the sensitive nature of this work, this has best been done in private sessions. This means that the Committee is having to strike a balance about the structure of its meetings, not wishing to be perceived as a body taking decisions 'behind closed doors'. The Committee has welcomed the opportunity to contribute to discussions at the pre scrutiny stage. This has enabled it to have an input into the content of a number of important Council strategic developments, such as the Children's Sustained Improvement Plan and the creation of Youth Strategy Groups, before their final approval by Cabinet or Cabinet Members.

There is no doubt that over the past year the Economic Development, Environment and Highways Policy and Scrutiny Committee has experienced the highs and lows of developing new ways of working as an overview and scrutiny committee, combining both its roles of critical friend to the Executive and contributing to policy development. On the one hand there has been the satisfaction of adopting successfully some distinct fresh approaches to investigation such as visiting the Dartford Tunnel Operations Centre before coming to a view on a Government Consultation on increased charges, and having recommendations accepted by the Cabinet. On the other hand there has been the disappointment of the Committee being too late to influence the way some decisions have been implemented, and has highlighted how critical it is to Council activity for the timing of policy and scrutiny committee engagement to be carefully planned.

The Committee has sought to ensure that any conclusions and recommendations that arise from an individual review are based upon the evidence collated and considered by Members. Increasing use of task and finish groups enables a wider range and flexibility of evidence gathering tools to be used including site visits, workshops, and actual observation of activity under consideration. Our ongoing review of emergency planning and Control of Major Accident Hazard regulations illustrates this point as Members have visited local sites, a school, partner organisation headquarters, observed an emergency planning exercise, as well as meetings with witnesses in formal as well as informal settings. When the final scrutiny report is published in the Autumn the Committee will ensure that its recommendations are based upon the broad range of evidence considered and recorded in that report.

With greater continuity in the committee structure and gradual embedding of good practice, the Economic Development, Environment and Highways Policy and Scrutiny Committee can begin to demonstrate how scrutiny activity can produce positive outcomes both within the Council and the community. The Committee monitors all recommendations that are forwarded to the Cabinet within an appropriate timeframe in order to confirm what action has been taken as a result of a scrutiny review, and consider if any further action is required. As with recommendations being based upon evidence, the responses received will provide confirmation where recommendations have been accepted and acted upon, or alternatively the reasons why they have not been accepted thereby providing an additional means of promoting understanding of why certain action has been taken.

The Children and Young People Policy and Scrutiny Committee has agreed with the Community and Older People Policy and Scrutiny Committee to bring all the

safeguarding activities together into a Families Safeguarding Sub-Committee. This covers issues within the Children's Sustained Improvement Plan and the Adult Safeguarding Plan, as well as issues arising from CQC and Ofsted inspections and matters raised by Sub-Committee members. This is an innovative approach, assuring that all safeguarding work is monitored and that examples of good practice in one sector can be transferred into other sectors.

The following give some examples of how the scrutiny function achieves its responsibilities.

How Scrutiny Leads to Policy Development

Customer Services Programme

The Chairman of the Scrutiny Board chaired a Task and Finish Group to support the Customer Programme Board on the developing Customer Services Programme. It proved to be an ideal opportunity to demonstrate the benefits of using the considerable knowledge and experience of non-executive members in the implementation of key strategies as reflected in the Group's findings and recommendations. The Group benefitted from the experience of some of the leaders in the field of customer services and listened with great interest to the proposals of a wide-range of staff who are engaged in the transformation of Council services. Overall the Group was impressed by the obvious commitment of staff to improve the customer experience of the Council. The Group found that the concept for transforming customer services was sound in terms of improving the customer experience and delivering cost savings. Its recommendations were concerned to emphasise that everything should be done to ensure that what is put in place is viewed from the Customer's point of view. The Group's input had a direct impact on the look of the planned website and the way information is presented to the public.

Over the next few months the Economic Development, Environment and Highways Policy and Scrutiny Committee will be reviewing the outcomes of its published scrutiny reports including those on

- Use of inert waste for recreational development
- Relationship with statutory undertakers re works in the highway
- Park and ride
- A-Board management on the publicly maintainable highway.

Information Portal

In response to complaints received about the Putting Essex People First Information Gateway on the main Essex County Council website, the Community and Older People Policy and Scrutiny Committee received a report and an update on the migration of the site. The Committee suggested that clearer and simpler signposting and links were required that did not involve navigation of multiple screens, links and lists, or significant screen scrolling, to access information. Further updates, including a test by Members of the Committee, will be received in the future.

Holding Partners to Account

Mental Health Partnership Foundation Trusts

The Community and Older People Policy and Scrutiny Committee receives the annual reports of the Partnerships in November of each year. Both Mental Health Partnerships welcome the scrutiny offered by Members in reviewing the achievements of the two organisations over the year and being given the opportunity to discuss some of the challenges ahead.

The Committee recommended to the Cabinet Member that the existing partnership agreements with both Trusts be extended and rolled over for a further year to enable the completion of significant work being undertaken with stakeholders on future strategy, operating model and outcomes framework. It also recommended that the long-term secondments in place for County Council social care staff working at the two mental health trusts, be reviewed and that, where possible, be made substantive postings if appropriate.

Disabled Facilities Grant

In response to the findings of its Occupational Therapy Service Review, the Community and Older People Policy and Scrutiny Committee commenced a scrutiny of the Disabled Facilities Grant (DFG) in November 2011. The Committee recognised that DFG funding is provided to Districts/Boroughs and, thus, administered at that tier but also recognised that bureaucratic procedures are holding factors for service users wishing to access Occupational Therapy services and, where necessary, an application for a DFG.

Through witness sessions and written evidence the Committee was able to formulate recommendations for future service improvements where the County Council can play a role leading on such developments in liaison with other key stakeholders. The Committee hopes that, if adopted, its two recommendations can make a positive impact on improving the DFG process for service users throughout the County, involving partners in Districts/Boroughs, Health and Home Improvement Agencies (HIAs).

The Committee recommended holding a seminar bringing together County representatives, District/Borough Council housing officers and Portfolio holders, the HIAs and other key stakeholders, including Health, to formulate recommendations for future service improvements and the administration of the DFG, and to promote efficient partnership working by streamlining decision points. The Committee also recommended a Task and Finish Group (following the Seminar) be established to review the DFG and hospital discharges with a view to examining the potential for a

Countywide Virtual Ward bringing together the HIAs, Village Agents, local GPs, housing representatives from Districts/Boroughs, the Voluntary and Community Sector and Health.

Pre Decision Scrutiny

Essex Healthwatch Membership

The Community and Older People Policy and Scrutiny Committee considered issues around the membership model for the Essex Local Healthwatch Organisation and made a recommendation to the Cabinet Member. It considered two potential models put together so that the local partners can influence national policy and make progress as soon as possible on recruiting members.

The Committee discussed the accountability, cost effectiveness, recruitment and membership for both models and felt that there were limitations with both. The Committee wanted the recruitment and appointment processes to be open and transparent and that initial appointments should be made on a probationary basis. The Committee unanimously agreed the Appointed Core Member model be used by the Pathfinder body which was presented to them.

Economic Development, Environment and Highways

Over the past year the Economic Development, Environment and Highways Policy and Scrutiny Committee's successes have included the Draft National Planning Policy Framework when the Cabinet Member incorporated all the comments of a Task and Finish Group into the Council's formal response to the Government Consultation. In addition the Committee's comments have been or are being taken into account in respect of the Carbon Emissions Strategy; School Crossing Patrol Service; and Sustainable Environment and Enterprise Specialist Services Consultancy Project.

Personal Budgets

Personal Budgets had been identified by Internal Audit as high risk as it was expected to be a rapidly expanding service area and robust controls needed to be in place. Numbers were expected to increase from the 2,500 current cases to 5,000 over the next three years out of a total of in excess of 17,000 service users. Internal Audit had identified that the Personal Budgets did not seem to be monitored to ensure that they remained relevant to any changing needs under the support plan. A Task and Finish Group was established to address the concerns in the Internal Audit report and made 12 policy development recommendations together with seven recommendations for the Cabinet Member in May 2012.

Carers Strategy

The Committee established a Task and Finish Group to assist in the development of a new Carers Strategy for the Authority inside an affordable framework. The action plan for carers is being reviewed in the context of working better with Health, and with Schools, Children and Families. The strategy will seek a way of getting carers to undergo an assessment.

Members of the Task and Finish Group visited carers, situated in their locality, to discuss issues further and feed this back into the Task and Finish Group. It has been

agreed that the strategy needs to address the carer in context, and their interactions with health as well as the interactions of those they care for; and to build into the strategy care providers and reablement services. The Task and Finish Group cannot set out to change everything by building a dependency on public services and changing behaviours. Giving people choice and control should underpin carers services. A flow-chart will be created for Carers to show how and where they can access information, advice, guidance and support. The Task and Finish Group has also recommended that there should be a one-stop 'Care Direct' as a one-care service as a front door. At the present time other agencies, including GPs, do not always know where to direct carers. The Task and Finish Group agreed to put this work forward to be part of the pilot on community budgets as a potentially excellent example of the public sector working together to provide a resource for carers.

Adult Community Learning Target Operating Model

The Community and Older People Policy and Scrutiny Committee received a report on the progress of the strategic review of Adult Community Learning to develop a Target Operating Model (TOM). The Committee was apprised of the phases the strategic review would be conducted under, including an analysis of the core areas of the service. The Committee would receive further updates as the strategic review developed, particularly when implementation plans to embed the TOM were ready to bring to Committee.

Libraries Target Operating Model

The Community and Older People Policy and Scrutiny Committee received a report on the progress of the Libraries Target Operating Model. The TOM aimed to increase the trading activity of the service with external partners in order to make additional income. The Essex Library Service has established working plans and protocols for developing its trading whilst bidding for and securing contracts. The Committee was updated on external contracts, Soft-market testing for future contracts, safeguarding from potential contract costs, the continued delivery of the library service in Essex, joint ventures, community partners and e-books. The Committee emphasised the importance of the library network remaining open and that the services they could deliver should go beyond just loaning hard copy books; whilst acknowledging the challenge of expanding trading activities.

The Transformation Programme

The Executive Scrutiny Committee has continued to review the Council's Transformation Programme and has taken evidence from Cabinet Members and Officers on IT Modernisation and Cloud Computing, the Property Strategy and Customer Feedback and Public Relations, as well as financial savings through the quarterly outturn reports.

The Council's Budget

The Executive Scrutiny Committee was invited to comment on the Council's budget preparations for the 2012/13 financial year by the Cabinet Member, who enabled the Committee to consider the draft budget at two separate Committee meetings. The Cabinet Member has committed to continue with these discussions and consultation throughout the coming year. The Committee has welcomed the opportunity to undertake pre-budget scrutiny.

The Council's Corporate Vision and Values

The Committee reviewed the Council's Corporate Vision and Values documentation prior to publication and made several recommendations for amendment and clarification.

Holding the Executive to Account

Since the last major review of the Council's Constitution responsibility for call ins has moved from being the sole responsibility of the Executive Scrutiny Committee to become the responsibility of each of the Committees. Aside from those reviews that the Economic Development, Environment and Highways Policy and Scrutiny Committee has chosen to undertake on the basis that it may influence what happens in practice, it also has responsibility for those specific matters that are referred to it via the call in and petition processes. It provides a forum for particular concerns to be aired and debated, and to influence the Cabinet in the making of decisions. In a majority of cases, the call in has been addressed at the informal meeting stage with some limited concessions being given by the Cabinet Member. While a call in and petition relating to the closure of two recycling centres were not settled to the Committee's satisfaction, lessons have been learned in so far as it has highlighted the need to promote greater understanding and co-operation between the Council's executive and scrutiny roles.

The Children and Young People Policy and Scrutiny Committee has heard its first call in on the Essex formula for funding schools. Whilst the Committee supported the Cabinet Members' decision, another issue of a more general nature came up during the discussion and, given the shared concern of both Members and representatives of schools, the Committee has undertaken to add this to its Forward Look, for determination in the late summer.

The Executive Scrutiny Committee has considered the financial reviews at each quarter stage of the financial year, and the provisional outturn report at the year end. Performance monitoring has also been presented on a quarterly basis. Further changes to the performance monitoring arrangements have been implemented taking into account the changes in the national outcomes frameworks and the inspection landscape and the implications for the County Council around these. The Committee also continues to monitor Equality Impact Assessments.

An update on the Coroner's Service was received with several areas of concern highlighted, but the Executive Scrutiny Committee was assured the backlog of cases was being cleared. The Committee will continue to monitor the situation in the coming year.

In April the Executive Scrutiny Committee commenced a scrutiny review of External Communications and this is ongoing through a Task and Finish Group.

4. Health Overview and Scrutiny Committee

The Council has appointed a Health Overview and Scrutiny Committee (HOSC) to discharge the functions conferred by the Health and Social Care Act 2001 (as

updated by the Local Government and Public Involvement in Health Act 2007) or regulations produced in accordance with those Acts.

Roles and Functions

The Committee's roles and functions are as follows.

- (i) To review and scrutinise the totality of local services planned and provided as part of their wider responsibility to seek health improvements and reduce health inequalities for their area and its inhabitants.
- (ii) To refer contested proposals for major service changes to the Secretary of State.
- (iii) To scrutinise the social care services provided or commissioned by NHS bodies exercising local authority functions under section 31 of the Health Act 1999.
- (iv) To review or scrutinise health services commissioned or delivered in the Council's area within the framework set out below:
 - (a) arrangements made by local NHS bodies to secure hospital and community health services to the inhabitants of the Council's area;
 - (b) the provision of such services to those inhabitants;
 - (c) the provision of family health services, personal medical services, personal dental services, pharmacy and NHS ophthalmic services;
 - (d) the public health arrangements in the area; e.g. arrangements by NHS bodies for the surveillance of, and response to, outbreaks of communicable disease or the provision of specialist health promotion services;
 - (e) the planning of health services by NHS bodies, including plans made in co-operation with local authorities setting out a strategy for improving both the health of the local population and the provision of health care to that population; and
 - (f) the arrangements made by NHS bodies for consulting and involving patients and the public.
- (v) To review and scrutinise the totality of local services including social services, planned and provided as part of their wider responsibilities to seek health improvements and reduce health inequalities; and
- (vi) to act as consultee to an NHS body within the remitted area on issues of:
 - (a) substantial developments of the health service in the Council's area; and
 - (b) any proposals to make any substantial variation to the provision of such services.

The work of the Committee

The HOSC works in a different way to the other overview and scrutiny committees, in that much of its work is reactive, reflecting on proposals from the many parts of the health service. It therefore agreed some time ago that its lead support officer, known as the Secretary, should act as a gatekeeper for any health-related scrutiny issues arriving with the County Council. This means that straightforward and small scale issues can be dealt with by discussion between the Secretary and officers of the health body concerned. As a result, these matters can be resolved immediately and new and improved ways of working which are beneficial to Essex residents can be introduced by the health body concerned without the delays incurred by having to go through a lengthy Committee process.

It also means that the HOSC agenda is kept to a manageable length and Members can concentrate on strategic issues, affecting all or large parts of the County. Over the last year these have included provision of maternity services in Essex and north/east London; major changes to mental health services; stroke services (in the light of adverse reports by the Care Quality Commission); and Vascular Surgery provision (with an innovative proposal to bring together good practice in north Essex and Suffolk).

HOSC Members have also made visits to two hospitals and intend to make a third visit later this year. This enables the HOSC to keep up-to-date with modern medical practices and techniques, and to have more informed discussions on major developments proposed for local hospitals.

The HOSC is also the main player in regional health issues, taking the lead role at Member and officer level and hosting a number of regional events.

The overall outcome is that the Essex HOSC is well regarded by local health bodies. It is seen as a critical friend, being challenging but fair, and sharing the health services' wish to provide the best possible service to Essex residents.

5. Conclusion

Whilst it is acknowledged that the Council is more open and transparent than in previous years, more still needs to be done in the Council's approach to Scrutiny. Going forward, emphasis will be given to focusing more on pre-decision scrutiny rather than post-decision scrutiny; making the best use of the resources available to scrutiny; and improving the preparation for meetings and engagement of Members. The scrutiny function has improved in the last two years, but it will need to improve further to meet new challenges in the future, particularly relating to commissioning and other changes in legislation. A review of the scrutiny function is being carried out to ensure that scrutiny makes the fullest possible contribution to the good governance of the Council within the resources available and to secure greater confidence in the function.
