

Protocol for Joint Scrutiny with West Sussex Borough and District Councils July 2018

Introduction

1. The County Council has agreed with the West Sussex borough and district councils arrangements for the joint scrutiny of appropriate items of work, to be undertaken under the auspices of a steering group (the West Sussex Joint Scrutiny Steering Group) comprising the chairmen of the overview and scrutiny committees of the participating authorities. This protocol sets out how it is intended that these joint scrutiny arrangements will work in practice.

Focus/Framework of Joint Scrutiny

2. The focus and framework for joint scrutiny in West Sussex should be:
 - issues of common concern (e.g. perceived poor performance), affecting either the whole county or the areas of more than one District/Borough Council;
 - outcomes focused (i.e. where it's felt that improvements can be achieved for the community), and should scrutinise performance as opposed to processes.
 - issues under joint scrutiny may relate to the work of organisations wider than local authorities (e.g. quangos; utilities; Environment Agency etc.) any scrutiny will not be of the organisations themselves, but rather of relevant issues relating to their work/role
 - a formal but flexible arrangement for joint scrutiny, to have influence and the ability to challenge. Issue-based scrutiny should be carried out through time-limited task groups as required.
 - the "Steering Group" of County, District and Borough Scrutiny Chairmen should provide some formality in terms of overall ownership and co-ordination of any joint scrutiny. The Group will determine virtually the joint scrutiny projects to be undertaken but will retain the option of meeting if it is deemed necessary.
 - the West Sussex Scrutiny Officer Network (WSSON) will support and co-ordinate joint scrutiny arrangements. It will meet twice a year and will support the Steering Group.

Joint Scrutiny Steering Group

3. The purpose of the Steering Group is to:
 - consider key areas of potential overlap/duplication arising from the individual outline work programmes of the participating authorities' overview and scrutiny committees.
 - agree where those issues should continue to be looked at individually, and whether scrutiny could be co-ordinated and/or information shared across authorities – to avoid duplication of effort, where possible.
 - agree what issues should be scrutinised jointly, and help the co-ordination of overview and scrutiny committees' work programmes.

- agree how any joint scrutiny should be carried out, and the outline terms of reference for any task group appointed (i.e. the Steering Group would not usually carry out the scrutiny itself).
 - Notify all key stakeholders of any joint scrutiny work it agrees
4. The Steering Group will comprise the chairmen of the overview and scrutiny committees of the participating authorities. When a meeting is deemed necessary the Steering Group will appoint a chairman at the start of each meeting.
 5. It will be important for those members who are on the Steering Group to be briefed on, and develop an understanding of their role. However, a substitute should be accepted if a member appointed to the Steering Group is unable to attend a meeting.

Method of Working

6. Steering Group members will be contacted virtually by officers when a joint scrutiny project has been proposed. The Steering Group retains the option of meeting when an issue has been proposed as a potential item for joint scrutiny. It may also hold virtual meetings and share information via e-mail.
7. The issues for joint scrutiny will be based on county, district and borough overview and scrutiny committees' work programmes (i.e. issues that individually, the overview and scrutiny committees have already identified for consideration). The Steering Group will have responsibility for agreeing what issues are to be taken forward for joint scrutiny. When considering what issues should be subject to joint scrutiny, the Steering Group will take the following matters into account:
 - what added value joint scrutiny can bring
 - whether or not the issue is being scrutinised elsewhere
 - who the group is intending to influence
 - whether the issue has been identified by the public/key stakeholders
 - the resource implications of any scrutiny reviews and how these will be supported (e.g. identify officer support/research needs etc.)
8. Where the Steering Group agrees that issues should be subject to joint scrutiny, this information will be shared as appropriate with council Executives, key partners and overview and scrutiny committees. In agreeing any issues for joint scrutiny, the Steering Group will take into account capacity and resourcing issues, as well as the objectives of any joint scrutiny reviews.
9. When agreeing an issue for joint scrutiny, the Steering Group shall determine how the work is to be undertaken from a range of options, including:
 - setting-up one-off, time-limited, issue-based task groups
 - arranging a themed (i.e. covering just one topic) meeting or meetings
 - setting-up a more formal committee to scrutinise a specific issue
10. When establishing task groups, the Steering Group will identify and publish terms of reference to include:
 - membership
 - chairing arrangements
 - key timescales
 - reporting arrangements

- opportunities for stakeholder engagement (e.g. public, voluntary sector, service users etc.)
 - officer support
11. The Steering Group is supported by the West Sussex Scrutiny Officer Network (the Network) which provides the required information regarding the work programmes of the county, district and borough overview and scrutiny committees. The Network shall meet twice a year, to build on and enhance existing information sharing, and ensure a co-ordinated approach to scrutiny across West Sussex. It will support the joint scrutiny arrangements by forwarding issues of common concern (raised by the existing overview and scrutiny committees) to the Steering Group for consideration. There are two nominated lead officers from the Network to support the Steering Group (a County Council officer and a designated district/borough officer appointed by the Network).
 12. The Steering Group will determine any joint scrutiny from the material provided by the Network (following discussions within each overview and scrutiny committee as part of their work planning).
 13. Any joint scrutiny should be carried out by non-Executive members of county, district and borough councils. Non-Executive members of the County Council who are district/borough council Executive members (or vice-versa) should not carry out any joint scrutiny activities that relate to their portfolio area.

Task Groups

14. Any joint scrutiny will usually be undertaken by a task group. The task group will be overseen by a member of the Steering Group and supported through the WSSON. Task groups to undertake joint scrutiny of an issue will only be set-up where there is added value to carrying out this work jointly, and where existing scrutiny mechanisms are not considered appropriate. The Steering Group will agree task groups' terms of reference at the outset, to include reporting arrangements.
15. Any joint scrutiny should be carried out by non-executive members of county, district and borough councils. Non-executive members of the County Council who are district/borough council executive members (or vice-versa) should not carry out any joint scrutiny activities that relate to their portfolio area. The members' code of conduct is likely to preclude this in any case.
16. Task groups should consist of a number of members determined by the Steering Group according to topic, which meet over a period of time to examine an issue in accordance with the terms of reference agreed by the Steering Group. Chairmanship of any task groups should be agreed by the task group at its first meeting.
17. Although there should normally be a minimum number of three members, no maximum is proposed, this will be agreed by the Steering Group dependant on the requirements of the issue under scrutiny. However, membership of task groups should be non-political and geographically balanced (as appropriate). The Steering Group may wish to recommend co-opted members from relevant authorities, but ultimately this should be the decision of the task group.

18. Members of a task group should be given a copy of this protocol before they attend their first meeting to ensure they are clear on their roles and responsibilities.
19. Task groups will generally report to the relevant decision-makers within the West Sussex local authorities via the relevant OSCs of the authorities concerned. A copy of the report will be sent to the Steering Group.
20. Where a report and recommendations are made in respect of organisations other than the West Sussex local authorities, these will be sent to those organisations by the Steering Group (not directly by the individual task group) with copies to the relevant overview and scrutiny committees and executives of any interested local authorities.
21. The task group member will liaise with his/her authority's responsible colleagues for the issue under review – the portfolio holder and the lead director/officer – as well as the scrutiny officer to ensure that the review and its outcomes are communicated more widely within the authority in order that all members may be informed and involved.
22. The task group report will be finalised by task group members before circulation to the relevant decision-makers. It is therefore important for all members of the group to agree the recommendations.
23. Members of the group will be responsible for information sharing and liaison with other colleagues within their Authority to ensure the recommendations are in-line with their required outcomes.
24. Whether the task groups meet in public or private will depend on the nature of the work being undertaken, and may be addressed by the Steering Group when agreeing the task group's terms of reference.
25. The decision-makers will be expected to respond in writing to the Steering Group in respect of any task group reports. Task groups will not report to the Steering Group, but their reports will be copied to the Steering Group, which will review any work undertaken.

Publicity of Joint Scrutiny Work

26. The details of any joint scrutiny work and any agendas/papers (i.e. for task groups) will be made available via the Internet.