

**Step by Step  
to Joint Scrutiny  
A Handbook for  
Scrutineers**

March 2015

This publication is also available in Welsh.  
Mae'r cyhoeddiad hwn ar gael yn Gymraeg hefyd.

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## Introduction

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Joint working is central to the Welsh Government's approach to delivering public services. Key public services, such as health, are being configured regionally, resources are being allocated at the regional level for education, whilst financial incentives have been introduced to encourage collaborative working across regions (e.g. Regional Collaboration Fund and Local Service Board-European Social Fund (LSB-ESF)). In addition, Public Service Boards are set to become powerful partnerships which will require robust scrutiny.

Decisions taken at a regional or partnership level have important implications for local citizens and therefore scrutiny is vital in ensuring that new public service collaborations are held to account. Local overview and scrutiny committees are perfectly placed to oversee, scrutinise and review the decisions impacting on local citizens. However, when strategic plans and policy decisions begin to affect citizens across authorities and organisational boundaries, scrutiny committees will be more effective if they work together.

Recent research has highlighted that despite positive relationships between scrutiny officers, progress on joint scrutiny in Wales has been patchy and that scrutiny teams require further support in this area (Downe and Ashworth, 2013). In addition, only just over half of Welsh councils have arrangements in place to scrutinise their LSB (Horton, 2013).

The Welsh Government has invested in a further round of Scrutiny Development Fund (SDF) projects designed to encourage and facilitate collaboration on scrutiny activities. This handbook is a product of the SDF and seeks to provide further support to scrutiny teams in their efforts to develop joint scrutiny.

## What is joint scrutiny?

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Joint scrutiny is often defined as a formal arrangement of some kind between scrutiny teams in different authorities, resulting in the establishment of a joint committee or a joint scrutiny enquiry. However, joint scrutiny can also operate more informally, for example, on the basis of a joint task and finish exercise or a collective evidence session.

There are two types of joint scrutiny:

1. Joint scrutiny between local authority scrutiny teams
2. Joint scrutiny between local authority scrutiny teams and partner organisations.

There are a number of benefits from working jointly on scrutiny which are listed below.

### Benefits of joint scrutiny

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- Ensuring that regional bodies and partnerships are democratically accountable and their plans are subject to scrutiny
- Stimulating public engagement and providing a citizen perspective
- Improving transparency by shining a spotlight on decision-making
- Influencing policy developments at the regional level by providing a forum for debate
- Reducing duplication and associated costs
- Pooling scrutiny talent and expertise to maximise the benefits of effective scrutiny
- Providing increased resource for scrutiny to enable greater opportunities for research and evidence-gathering
- Improving scrutiny practice through the exchange of knowledge, expertise, and 'best practice'.

Joint scrutiny can also present challenges. The Centre for Public Scrutiny (CfPS) suggests that ‘the key test is whether joint scrutiny can strike the balance between the strategic aspects of collaboration (culture and values across collaborative areas) and the operational aspects of collaboration (outcomes and citizen experience in local areas). Scrutiny needs to add value to both these aspects’ (CfPS, 2012: 4).

Clearly, joint scrutiny is not always going to be appropriate. In some instances, scrutiny may be best undertaken on an individual basis if the focus is on the delivery of outcomes for that council. However, examples show that, in certain circumstances, timely and citizen-focused joint scrutiny can be highly effective in terms of adding value and improving the services that matter to local people.



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**Joint scrutiny has  
proven to add  
value in the right  
circumstances**

## How to use the handbook

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This handbook has been produced by Rachel Ashworth and James Downe of Cardiff Business School on behalf of Caerphilly, Blaenau Gwent and Monmouthshire councils, grant funded by the Welsh Government's Scrutiny Development Fund.

It provides a step-by-step guide to undertaking joint scrutiny and in doing so draws together research evidence and case studies of joint scrutiny in Wales and England. The examples in this handbook demonstrate that there is significant potential to learn from existing good practice.

The content is underpinned by the Wales Scrutiny Officer Network 'Effective scrutiny characteristics' (Wales Audit Office, 2014), draws on a series of CfPS publications and also embeds the Welsh Local Government Association (WLGA) scrutiny Chair and member competences (WLGA, 2014).

In compiling the handbook, we built on established and effective scrutiny practices and processes already in place within Welsh local government. We recognise the iterative nature of scrutiny processes and also that scrutiny cultures and practices vary between authorities. So the handbook does not seek to provide a 'one size fits all' approach to doing joint scrutiny.



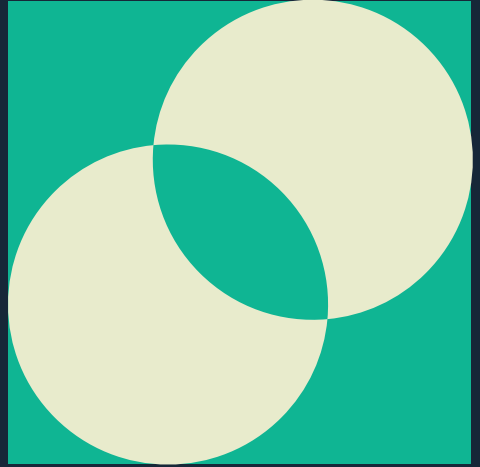
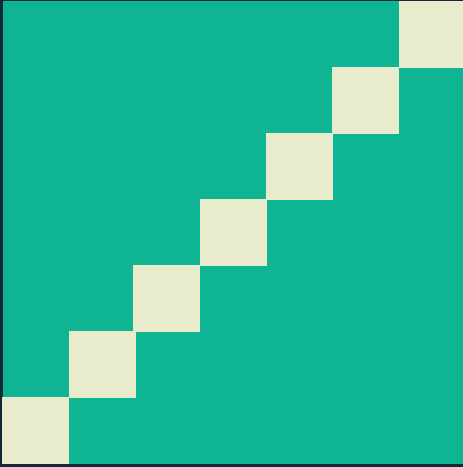
The handbook is designed to provide a resource for scrutineers which will enable them to reflect upon and refine existing processes, introduce new practices and learn from experiences elsewhere. In particular, we hope that the handbook will reduce the need to 'reinvent the wheel' at a time when resources are especially constrained.

The handbook is organised into three sections: 'Thinking about joint scrutiny', 'Seven steps to joint scrutiny' and 'Capturing the impact of joint scrutiny'. Each section outlines a series of steps to undertake. The sections are interspersed with examples and each concludes with a series of questions to facilitate reflection and provide a prompt to action.

A series of support mechanisms have been put in place to assist with the use of the handbook in practice. These include:

- online appendices hosted by Scrutiny Connect which contain more detailed information on case study examples. Please note that you will need to be registered on Scrutiny Connect ([scrutinyconnect.net](https://scrutinyconnect.net)) to be able to access the appendices
- joint scrutiny workshops based on good practice examples and a series of policy seminars designed around joint scrutiny of health, education and social care scrutiny to be run in conjunction with WLGA, CfPS, Esytn, Care and Social Services Inspectorate Wales (CCSIW) and Healthcare Inspectorate Wales (HIW).





**Section A:  
Thinking about  
joint scrutiny**

## Is joint scrutiny appropriate?

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This opening section of the handbook considers:

- a) how to decide whether to do joint scrutiny
- b) who is best placed to take responsibility for the decision
- c) how to take decisions on joint scrutiny in a timely way.

### How to decide on joint scrutiny

The first step is to use a number of key criteria in order to assess whether joint scrutiny with local authorities and/or partner organisations is appropriate and has the potential to add value.

Certain authorities in England have developed a relatively simple rule of thumb for engaging in joint health scrutiny. For example, joint health scrutiny committees in the South West of England act together if one of two criteria are met (see overleaf for details). The statutory basis for health scrutiny in England is helpful here in clarifying when joint scrutiny is necessary.



**A specific set of criteria will help you to decide when to do joint scrutiny**

## Criteria for engaging in joint health scrutiny – South West of England

- Where more than one local authority is consulted by a local NHS body in respect of any proposal that it has under consideration for the substantial development of the health service or the substantial variation of such service to review and scrutinise a proposal jointly with any local authority so consulted
- Where more than one local authority has an interest in the planning, provision and operation of health services which cross geographical boundaries to review and scrutinise any such matters jointly with any such local authority.

*You can find copies of the terms of reference here: [bit.ly/1GrHp3b](https://bit.ly/1GrHp3b)*

*Contact: [scrutiny@bristol.gov.uk](mailto:scrutiny@bristol.gov.uk)*

Many authorities already employ criteria to guide their decision-making on scrutiny. In Gwynedd, for example, members apply a ‘test of significance’ ([bit.ly/1Mt9QSI](http://bit.ly/1Mt9QSI)) in order to develop their work programme. Councils may wish to adapt their existing criteria to decide whether to do joint scrutiny.

Alternatively, it may be useful to adopt a more generic test which could apply across all policy areas. For example, scrutiny teams can use the bespoke set of criteria presented in Table 1, overleaf, designed specifically for joint scrutiny.

This test can be applied in order to make a quick decision on whether to undertake a joint scrutiny activity. It can also be used to plan ahead as governance arrangements develop so that future joint scrutiny can be anticipated and prepared for (e.g. education consortia).

The test is very simple – if the considered response to the majority of questions in Table 1 is ‘Yes’, then some form of joint scrutiny is likely to be appropriate.

<b>Table 1: Should we work jointly with other councils?</b>	
<i>Criteria</i>	<i>Response</i>
Are citizens in two or more council areas likely to be affected by a regional/partnership policy decision?	Yes/No
Will the regional/partnership policy decision have strategic implications for two or more councils?	Yes/No
Will joint scrutiny complement (rather than duplicate) reviews conducted by audit, inspectorate and regulatory bodies?	Yes/No
Will it be cost effective to pool scrutiny talent and resource, rather than to scrutinise separately?	Yes/No
Does the regional/partnership policy decision significantly impact on the resource spend for two or more councils?	Yes/No
Will joint scrutiny produce 'added value' for two or more councils?	Yes/No
Will joint scrutiny be timely in terms of having maximum impact on decision-making?	Yes/No
Will joint working reduce duplication for partners and prevent organisations giving similar input to two or more local scrutiny committees?	Yes/No
Are there adequate resources to conduct effective joint scrutiny?	Yes/No

Councils will face a similar decision when thinking about whether to scrutinise jointly with partner representatives. So a further test has been developed which might be applied (see Table 2 overleaf). Again this could be used in order to plan for future joint working such as, for example, the scrutiny of Public Service Boards which in many cases is likely to be done jointly with partners.



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**Use a separate set of criteria to decide whether to do joint scrutiny with partner organisations**



<b>Table 2: Should we work jointly with partners?</b>	
<i>Criteria</i>	<i>Response</i>
Is the policy decision of shared strategic concern to a range of organisations? e.g. domestic violence, delayed transfer of care, childhood obesity	Yes/No
Will joint working reduce duplication of effort where partners and councils have responsibilities for monitoring the quality of key public services on behalf of citizens? e.g. Community Health Councils (CHCs)	Yes/No
Will partners bring valuable expertise which would potentially reduce the need for research/expert input? e.g. specific service-based knowledge, such as of the health sector, environmental management etc.	Yes/No
Will joint scrutiny complement (rather than duplicate) reviews conducted by audit, inspectorate and regulatory bodies?	Yes/No
Will joint scrutiny with partners facilitate improved access to information and decision-makers outside of local government? e.g. Local Health Boards, police forces	Yes/No
Will working with partners enable better engagement with hard-to-reach and other communities?	Yes/No
Will joint scrutiny be timely in terms of having maximum impact on decision-making?	Yes/No

## **Who should decide on joint scrutiny**

Whilst officers will play a key role in identifying and suggesting potential opportunities for joint scrutiny, councillors should take the final decision on whether joint working is necessary.

As the decision to undertake joint scrutiny is likely to have wider consequences (e.g. impact on officer time, potential protocol agreements), then it is sensible for an overarching Overview and Scrutiny (O+S) Committee or a group of Scrutiny Chairs to take formal responsibility for applying the test and approving joint working on scrutiny.

The overarching O+S Committee could add a standing item to their agenda on joint scrutiny. This will provide an opportunity to reflect on forthcoming regional and other governance developments and design plans for future joint scrutiny. It will also enable routine consideration of joint working with other authorities and partners as an alternative scrutiny option.

If joint working becomes more formalised and leads to the establishment of a joint scrutiny panel with the shared provision of resources and legal advice (e.g. Prosiect Gwyrdd) then a higher level of formal approval may be required. This will usually be in the form of a joint protocol signed by the lead Scrutiny Chair and Chief Executive of each council and those subject to scrutiny. Further detail on protocols is provided in Section B of the handbook.

## When to decide to do joint scrutiny

The overarching O+S committee could consider joint scrutiny quarterly so there is a regular opportunity to review proposals and develop longer term plans. However, sometimes opportunities for joint working will arise suddenly and decisions need to be made more quickly.

Individual scrutiny committees already have procedures that enable them to respond to events urgently and amend their work programme. The overarching O+S committee should adopt a similar procedure which allows them to take decisions on joint scrutiny swiftly. For example, this might involve the Chair taking action outside of a meeting on behalf of the committee.



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**Develop a mechanism for deciding on joint scrutiny that can be activated at short notice**

## What will successful joint scrutiny look like?

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- ✔ **Joint scrutiny should add value and be citizen-focused**  
Ensure that the test for joint scrutiny is carefully applied so that it is clear that joint scrutiny is the most appropriate course of action.
- ✔ **Joint scrutiny must be member-led**  
As independent scrutineers, scrutiny members and Chairs should always take responsibility for recommending, approving and undertaking joint scrutiny activities.

## Now think about...

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- ❓ Adapting your current scrutiny checklist to decide whether joint scrutiny should be conducted.
- ❓ Which partnerships or regional organisations need to be subject to scrutiny and meet the criteria outlined in Table 1.
- ❓ Identifying areas where partner representatives might work jointly with elected members on scrutiny (e.g. Public Service Board scrutiny, health scrutiny).
- ❓ Which group of councillors should take overall decisions on joint scrutiny – an overarching O+S committee or a scrutiny Chairs/Vice-Chairs group?

## Making the connections

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Having made the decision to undertake joint scrutiny, you will soon be faced with a further question about which authorities or partners to work jointly with. In this section we will:

- consider the role of officer and member networks and how they can provide opportunities for developing joint work
- review ways to make connections with partner organisations
- examine the role of the ‘forward work programme’ (FWP) in planning joint scrutiny.

### Developing joint scrutiny opportunities through existing networks

Previous research on joint scrutiny in Wales found that scrutiny officers have become highly familiar with one another across regions and have developed positive working relationships (Downe and Ashworth, 2013). In addition to informal discussions and communicating by phone and email, the regional scrutiny networks are considered to be a safe and confidential environment where officers can share information with one another. Effective network-based relationships have already resulted in successful joint scrutiny as the example overleaf indicates.



**Scrutiny officer networks play a key role in developing joint scrutiny**

## Successful collaborative scrutiny in Wales

*Collaborative Scrutiny Member Development Programme in North Wales (SDF project, 2008-2009)*

This project was developed in response to various reports by the WAO and WLGA amongst others, highlighting the need for members to improve their knowledge of the scrutiny process. Resources from the SDF and the greater emphasis on improving collaboration with other authorities also meant that this was an opportune time for councils to work together on member training. The project aimed to design and deliver a bespoke training programme for scrutiny members of Conwy, Denbighshire and Wrexham. Training was provided on the scrutiny of partnerships, charring and communication skills and the role of councillors in the financial management process. Central to the project was the need to deliver a good quality training package for members so officers across the three authorities spent a great deal of time ensuring that they commissioned the most appropriate training providers. The training events provided useful networking opportunities for members to meet, share ideas and 'best practice'. It gave councillors (and officers) the chance to see how other authorities were using scrutiny to make a difference and in what areas. It also gave authorities the opportunity to identify common issues relevant to all councils and to procure what has proved to be a very useful training package which continues to be used to support scrutiny.

*Downe and Ashworth (2013) Developing a Culture of Collaborative Scrutiny*

Whilst officer relationships are crucial to the development and success of joint scrutiny, it is important that scrutiny members – and especially scrutiny Chairs – have the opportunity to develop similar relationships and shape the joint scrutiny agenda.

Network meetings for elected members have been organised on a thematic basis by the WLGA. Going forward, future meetings might be held regionally and focus on potential areas for joint scrutiny with partners, such as Public Service Boards or with other authority scrutiny teams, such as education improvement, in conjunction with Estyn.

Scrutiny officers might also incorporate an additional regional officer network meeting attended by the Chair of the overarching Overview and Scrutiny committee or Joint Scrutiny Champion (see Step 3, Section B). This could focus discussion explicitly around developing areas of regional or collaborative activity and surface potential for the development of closer working relationships between scrutiny teams.

Some elected members may be nervous about embarking on joint scrutiny. It will be important to reassure them that joint scrutiny is just an option they might wish to consider and that working jointly may be as simple as sharing information more effectively or gathering evidence together.

However, it will also be helpful to emphasise that joint scrutiny can prove to be a very productive and enjoyable experience for scrutiny members. Some of the specific benefits of joint scrutiny identified by members are summarised below:

### **Benefits of joint scrutiny for elected members**

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Joint scrutiny provides the opportunity to:

- improve important services for a wider range of citizens (e.g. education improvement)
- influence key regional and national policy debates (e.g. on flooding, energy policy, waste)
- work alongside informed partner representatives (e.g. on public service boards and health and social care scrutiny)
- scrutinise wider public service partnerships more effectively (by pooling scrutiny talent and resource)
- raise the profile of scrutiny to the regional and national level
- learn from and work with peers building on the Wales Audit Office improvement study.



## Developing joint scrutiny through shared scrutiny forward work programmes

A lack of awareness of the issues being scrutinised in different authorities is a clear obstacle to joint scrutiny. Forward work programmes (FWP) provide one of the best indications of the priorities of scrutiny committees across Welsh local government.

However, the sharing of scrutiny forward work programmes is not systematic across Wales so scrutiny teams in neighbouring authorities can be unaware that they are working on the same issue simultaneously. Early sharing of information might present opportunities to pool resources and gain benefits from research and evidence gathered elsewhere.

Officers might consider preserving a section of their network meetings to exchange information. Or, they might prefer to bring along a summary or draft version of their FWP for circulation at the meeting. This would ensure that any commonalities could be easily identified and prompt a discussion where necessary. Uploading this information to Scrutiny Connect will ensure FWPs can be accessed across a wider range of authorities.

Scrutiny officers have traditionally provided an update on scrutiny within their authorities at network meetings. However, as the pressures on scrutiny have grown in recent years, providing space for this kind of information sharing is becoming increasingly difficult.

One option might be to circulate the FWP at a network meeting also attended by the Chair of O+S (see recommendation above) which would allow councillors to play an active role within discussions.

## **Developing joint scrutiny in response to regional issues**

The public service landscape in Wales is in transition and recent developments in regional governance suggest a need for joint scrutiny. In some cases, these new developments are accompanied with statutory plans for scrutiny (e.g. Public Service Boards) whereas in other cases scrutiny arrangements are less clear (e.g. education consortia).

Whilst, ideally, scrutiny should be built into the governance structures from the outset, the absence of accountability forethought should not inhibit efforts to scrutinise new governance arrangements on a joint basis. Indeed, the lack of a prescribed system or structure may ultimately work to the advantage of scrutiny as it did in the case of Prosiect Gwyrdd. Evidence shows that joint scrutiny is especially effective when it focuses on an issue of strategic importance or a crisis which impacts across a region, such as waste, flooding or a major transport development. In these circumstances, whilst regional organisations may initially resist being subject to joint scrutiny, the prospect of attending a number of individual meetings is likely to become burdensome.

A very successful scrutiny review conducted by Somerset authorities came about because of a flooding crisis that affected the public across the region. Further details of this award-winning joint scrutiny can be found overleaf.

## Review of flooding in Somerset

After floods in late 2012 and early 2013, Somerset's local authorities wanted to meet key agencies to assess what could be done to improve the situation in the future for flood affected communities. Initially, each authority planned individual reviews, but it became apparent that the agencies involved simply did not have the capacity to engage with six scrutiny reviews.

South Somerset District Council's scrutiny manager suggested a joint county-wide review that she would facilitate, in which all five districts and the county council would be equal partners. A cross party steering group arranged the Somerset Flood Summit which was held in March 2013. Over 150 people attended including three local MPs, community groups, parish councils and the business community. The day consisted of presentations from key local agencies including the Met Office and Environment Agency.

Locally, the whole scrutiny process was viewed very positively as the scrutiny members managed to bring key people together in a very short space of time and reassure communities that all the Somerset local authorities were working on their behalf to try and address the very real and significant impact of flooding on their lives.

*Continued...*

The whole process also showed one of the key strengths of local government scrutiny – it can be flexible enough to work outside of the more traditional local government practices and can be truly issue led – gathering evidence in innovative and effective ways and making credible recommendations based on sound research and evidence.

For some members, this was the first time they had engaged with scrutiny in such a way and they were rightly proud of what they had achieved as well as realising the potential influence scrutiny can have on important policy areas. Winning a CfPS award has helped raise the profile of scrutiny in general, and winning the ‘Working Together’ category was particularly beneficial in proving that all the local authorities can work well together whilst respecting their differences.

Overall reflections on joint scrutiny from South Somerset District Council were:

‘Conducting a review jointly across the County represents the best use of limited resources of all the agencies involved and will provide the community with a single point of contact. By joining together, Somerset will be able to speak cohesively and convincingly at a national level and input more effectively into any subsequent national reviews which may occur.’

*You can find the report from South Somerset here: [bit.ly/1Mta2Rt](https://bit.ly/1Mta2Rt)*

*Contact: [Emily.McGuinness@SouthSomerset.Gov.Uk](mailto:Emily.McGuinness@SouthSomerset.Gov.Uk)*

## What will successful scrutiny look like?

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- ✔ **Joint scrutiny relies on effective working relationships**  
Officer and member networks should continue to provide a 'safe space' which facilitates the sharing of information (such as forward work programmes) and further building of trusting relationships.
  
- ✔ **Joint scrutiny may involve taking a step into the unknown**  
This can be daunting but examples such as Prosiect Gwrydd and South Somerset District Council suggest that responding to strategic regional issues can bear considerable fruit and allow joint scrutiny to become firmly embedded.

## Now think about...

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- ❓ Whether you have already worked with authorities on scrutiny and if so how you might progress these relationships.
  
- ❓ If not, consider which authorities might be similarly affected by issues which are important to local people and make an approach through your officer or member networks.
  
- ❓ How you could ensure that forward work programmes are shared to identify joint working opportunities.
  
- ❓ Whether councillors could be incorporated into occasional network meetings to join discussions on joint scrutiny.
  
- ❓ If there are any recent governance developments or regional crises that you can identify which might necessitate joint scrutiny (e.g. Public Service Board scrutiny).

## Preparing the ground

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Planning is the key to successful scrutiny, and can be more complex for joint scrutiny. So it is worth spending a little time preparing the ground in advance.

Sometimes the need for joint scrutiny will become apparent at short notice and flexible arrangements will need to be developed. On other occasions, it is possible to plan ahead for future joint scrutiny. This is important if joint scrutiny necessitates the alignment of working arrangements (e.g. officer support) or constitutional change.

If authorities have a history of joint working or are part of a regional configuration and can anticipate governance developments which might involve joint working, then establishing 'in principle' arrangements in advance to be enacted at a later date could be beneficial.

Many scrutiny teams already use protocols for external scrutiny and also for scrutiny of LSBs. However, increasingly protocols are being used to set a broad framework for joint scrutiny. In England, many authorities put these in place for joint scrutiny of health.

For example, the South West of England authorities have developed a series of protocols which have constitutional approval from each authority but are only enacted when required (see overleaf for more detail).

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**Plan for joint  
scrutiny by preparing  
protocols in advance**

## Joint health scrutiny protocols in the South West of England

Authorities in the South West of England developed a protocol for conducting joint scrutiny back in 2004, which was adopted constitutionally by four local authorities – more specifically each council constitution recognised the establishment of a Joint Health Scrutiny Committee (JOHSC) and the nomination arrangements for the JOHSC. The protocol covers the terms of reference, membership, reporting arrangements, along with financial and administrative support. This protocol allows the committee to be enacted as and when appropriate, should there be a prospect of ‘substantial variation’ in local and regional healthcare services.

In a similar vein, in response to the proposal for regionally-commissioned specialised health services, 16 South West authorities signed a protocol for joint health scrutiny. This covers appointments, chairing arrangements, meeting dates and so on. It has not yet been enacted but should there be a future instance of specialised commissioning at the regional level, the 16 authorities now have the collective capacity to act immediately as all the operational details have been negotiated and agreed.

*You can find a copy of the protocol here: [bit.ly/1FaVbZM](https://bit.ly/1FaVbZM)*

*Contact point: [scrutiny@bristol.gov.uk](mailto:scrutiny@bristol.gov.uk)*

Sharing arrangements of this kind can raise legal and financial resource implications which can be agreed ‘in principle’ within overarching protocols. In many cases, resource and legal costs are shared across the range of authorities involved.

Authorities that have worked jointly on scrutiny often adopt similar practices and procedures each time they collaborate (e.g. Gwent authorities). If this is the case, these might be documented and agreed formally by each authority so they become established and set a useful precedent.

Further detail on the specific content of protocols and terms of reference follows in the next section of the handbook.



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## Adapt existing protocols to incorporate financial and legal arrangements for joint scrutiny



## What will successful joint scrutiny look like?

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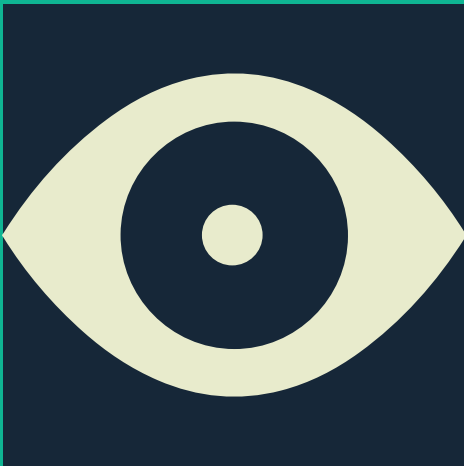
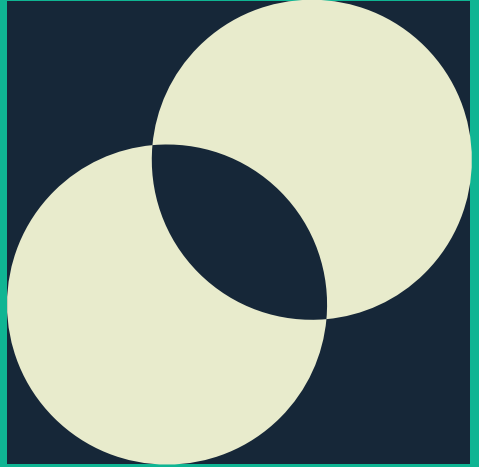
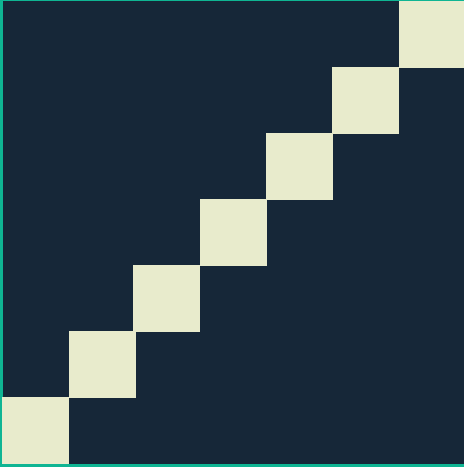
- ✔ **Joint scrutiny benefits from forward-planning**  
Preparing 'in principle' arrangements and protocols with neighbouring authorities and partners allows scrutiny to respond to regional issues at short notice.

## Now think about...

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- ② If you have worked jointly on scrutiny previously and reflect on how the joint arrangements worked (e.g. officer support) and how they could be improved.
- ② Whether you have used protocols in the past and how they could be adapted for joint scrutiny.
- ② Whether you could develop 'in principle' protocols or informal arrangements for joint scrutiny with neighbouring authorities in advance of developments (such as regional consortia).
- ② Whether you could develop 'in principle' protocols for joint scrutiny with partners (e.g. of Public Service Boards) now.





**Section B:  
Seven steps to  
joint scrutiny**

## Step 1: Selecting the right model

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This section introduces alternative options in terms of joint scrutiny.

Research shows that there is no 'one best way' of doing joint scrutiny and it does not necessarily involve establishing a joint committee. There are many models in operation which range from the relatively informal – joint evidence-gathering, commissioning training together or undertaking task and finish work – to more formalised arrangements involving joint standing committees.

Circumstances will largely dictate which option is most appropriate. A one-off time-limited activity in response to a regional crisis might require a more flexible structure, such as a joint task and finish group. Whereas a strategic decision affecting several authorities across a region (e.g. by a Local Health Board or education consortia) might necessitate a joint evidence session.

Equally, there will be occasions when more substantial and long-standing arrangements are required. If authorities are sharing services or making collective decisions (e.g. Prosiect Gwyrdd) then a more formal joint scrutiny panel will be required. Similarly, the scrutiny of Public Service Boards is likely to involve formal arrangements for joint scrutiny with partner representatives on an on-going basis.

Desired objectives and outcomes from joint scrutiny will vary and there needs to be some flexibility in terms of approach. It is also possible to work within a combination of structures. For example, in undertaking health scrutiny, councillors from the South West of England meet in a variety of different scrutiny formats, depending on the nature, extent and geographical reach of regional healthcare decisions.

Table 3 overleaf provides a summary of the existing models of joint scrutiny, highlighting some of the advantages and disadvantages of each.



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**Joint scrutiny can range from a very informal joint evidence session to a long-term joint committee arrangement**

### Table 3: Models of joint scrutiny

Type of structure	Example(s)	Advantages	Disadvantages
Joint meeting of all members from each council's scrutiny committee for evidence-gathering, after which each committee makes its own decision	JHOSC, South West England	<ul style="list-style-type: none"> <li>√ efficiency – one evidence session rather than many</li> <li>√ ensures a coherent story is given to all authorities</li> <li>√ keeps decision-making with local scrutiny committee</li> </ul>	<ul style="list-style-type: none"> <li>× logistical arrangements</li> <li>× careful planning</li> <li>× daunting for organisation under scrutiny</li> </ul>
Joint scrutiny committee with two members drawn from each authority which makes collective recommendations to authorities and/or external organisations	JHOSC, South West England  Prosiect Gwyrd	<ul style="list-style-type: none"> <li>√ provides for focused and in-depth scrutiny</li> <li>√ avoids duplication across authorities</li> <li>√ enables members to develop effective joint working relationships</li> </ul>	<ul style="list-style-type: none"> <li>× preparation time – protocols and member integration</li> <li>× aligning scrutiny cultures</li> <li>× member turnover can disrupt committee's work</li> </ul>
Joint committee of council members and partner representatives with full voting rights	RCT LSB scrutiny  Carmarthenshire CHC  Cardiff Partnership  Board Scrutiny	<ul style="list-style-type: none"> <li>√ inclusive, joined-up approach</li> <li>√ partner expertise adds to scrutiny talent pool</li> <li>√ partner presence reassures organisations under scrutiny (not one organisation scrutinising another)</li> </ul>	<ul style="list-style-type: none"> <li>× preparation time – training partners on scrutiny and integrating members</li> <li>× guarding against any partner interests/agendas</li> </ul>
Joint scrutiny committee independent of local scrutiny committees and executives	JHOSC Haringey	<ul style="list-style-type: none"> <li>√ can act with independence</li> <li>√ easier to build collective identity</li> <li>√ neutrality as at distance from individual councils</li> </ul>	<ul style="list-style-type: none"> <li>× need for liaison with local O+S to avoid duplication</li> </ul>
Joint working or task and finish group	South Somerset  Connecting Devon and Somerset	<ul style="list-style-type: none"> <li>√ flexible way of working (no need for constitutional change)</li> <li>√ responsive and speedy in times of crisis</li> <li>√ more innovative (less constrained than committee format)</li> </ul>	<ul style="list-style-type: none"> <li>× relies on effective officer support</li> <li>× aligning scrutiny cultures</li> <li>× opaque meeting and reporting process</li> </ul>
Joint scrutiny support and development	Design and provision of scrutiny training (North Wales, Gwent)	<ul style="list-style-type: none"> <li>√ effective and efficient commissioning of quality scrutiny training product</li> <li>√ closer relationships between officers, members and authorities</li> </ul>	<ul style="list-style-type: none"> <li>× aligning financial processes in different authorities</li> <li>× local delivery of training more effective</li> </ul>

First-hand experiences of joint scrutiny are useful in providing deeper insights into the opportunities and benefits of particular models. The good practice examples below provide short illustrations of authorities operating different models.

### **Joint scrutiny as a flexible working group – flooding in Somerset**

In response to severe flooding in 2012, a cross-party working group was established which was comprised of two elected members from all six authorities (five districts and a county). Adopting the status of an informal working group meant that they could proceed without the need to issue agendas five days before the meeting and the requirement to take full minutes. This was vital as the authorities wanted to make urgent recommendations on flooding in the county.

Supported by a single officer from South Somerset District Council, the group met every three weeks alongside continual e-mail contact. A cabinet member from one council with a particular interest in environmental matters was allowed to attend the working group meetings as an observer but was also able to contribute. It was decided that a Somerset Flood Summit was the best approach to quickly gather the views of all on how to improve the situation for the future.

*Continued...*

Due to the flexible working group approach and an effective division of labour, the Summit was held just nine weeks after the first meeting of the steering group and was attended by more than 170 people including all the key stakeholders including the Met Office, Environment Agency and politicians (both local and national). The report from the joint scrutiny review was presented to all six councils in Somerset and to the Somerset Leaders and Chief Executives who provided an executive response. The recommendations from the report fed into a high-level strategy report – ‘20 Year Somerset Levels and Moors Flooding Plan’ commissioned by the Department for Environment Food and Rural Affairs (Defra). The success of the review is attributed to the structure which provided the opportunity to move quickly to scrutinise a major area of public concern.

*You can find the report from South Somerset here: [bit.ly/1Mta2Rt](https://bit.ly/1Mta2Rt)*

*Contact point: [Emily.McGuinness@SouthSomerset.Gov.Uk](mailto:Emily.McGuinness@SouthSomerset.Gov.Uk)*



## Joint scrutiny as formal standing committee – Prosiect Gwyrdd

Prosiect Gwyrdd is a partnership of local authorities (Cardiff, Caerphilly, Newport, Monmouthshire and the Vale of Glamorgan) which undertook a complex procurement to secure a solution for the treatment of waste after composting and recycling had been maximised. It was supported by a Project Team of full time officers, a Project Board made up of senior officers representing each of the partner councils and, a Joint Committee of two senior members from each authority. In addition, legal, technical and financial external advisors were appointed to provide expert advice.

In response to these developments, each Council agreed to form a Joint Scrutiny Panel as part of the agreement to establish and participate in the project. The Prosiect Gwyrdd Joint Scrutiny Panel was established in December 2009 comprising two scrutiny members from each of the five authorities and proceeded to conduct an inquiry into the health and environmental impacts of waste incineration. The panel produced a highly influential report in the summer of 2012.

*You can find more on Prosiect Gwyrdd here: [bit.ly/1MtaqPQ](http://bit.ly/1MtaqPQ)*

*Contact point: [jonesj16@caerphilly.gov.uk](mailto:jonesj16@caerphilly.gov.uk)*

## Step 2: Designing terms of reference

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Establishing a common understanding of how scrutiny arrangements will work is a vital part of the scrutiny process. This is especially the case in joint scrutiny as there are two sets of relationships which need to be clarified and understood:

- the relationship between the scrutineers – whether elected members from different authorities or elected members and partner representatives
- the relationship between those undertaking scrutiny and the organisations being scrutinised.

These relationships are usually underpinned by protocols or terms of reference which set out rules of engagement. Clearly, the form and content of these will vary depending on which type of joint scrutiny is being considered. For example, a formal joint standing committee between authorities is likely to necessitate a full protocol between authorities whereas for a more informal working group arrangement, the existing terms of reference should suffice.

### Protocols between parties undertaking joint scrutiny

It is useful to consider the key elements of the relationship between joint scrutiny partners and incorporate these within a joint scrutiny protocol. The WLGA and CfPS publication 'Scrutiny of Multi-Agency Partnerships' provides a useful prompt list which has been adapted overleaf.

## Developing protocols between authorities for joint scrutiny

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These protocols should involve:

- Establishing general principles and shared aims – e.g. inclusiveness, equality of membership, shared interests, evidence-based approach
- Establishing objectives and desired outcomes – e.g. ensuring activities are focused and have a shared purpose
- Identifying points of contact – e.g. clarifying key officer liaison points in each authority and the coordinating authority for the committee/review
- Agreeing joint arrangements – e.g. resources, budgets, legal advice, operating procedures, officer support
- Clarifying membership – e.g. how many members per authority, adopt/waive political proportionality, co-optees
- Arrangements for chairing – e.g. appointment process, term of office (length of review or annual term)
- Meeting formats and schedules – e.g. frequency, location, formal committee vs. task and finish
- Clarifying reporting arrangements – e.g. responsibility for signing-off report, unanimity vs. majority, provision for minority report
- Recognition of sensitivities of joint scrutiny – e.g. rotating meetings, ensuring process is genuinely shared
- Opportunities for feedback, reflection and assessment – e.g. to review process, mechanism for evaluating success against agreed outcomes.

*WLGA and CfPS (2010) Scrutiny of Multi-Agency Partnerships*

Several examples of these types of scrutiny protocols and terms of reference can be found in the appendices for detailed examination. However, the examples below from York and Swansea give a flavour of potential content.

### Protocol for hosting joint scrutiny committees – York

York developed a protocol which sets out practical arrangements for joint scrutiny committees. This contains a clear statement of working principles which include improving the visibility of overview and scrutiny at the regional level and working together and sharing resources where there is a shared interest. The protocol also provides detail of the membership of a joint scrutiny committee which stipulates two members from each authority unless more than eight authorities are involved, in which case the committee will be formed of just one member per authority. It also offers a provision for political proportionality to be waived if appropriate.

Specific detail is provided on the procedure for deciding on host authority and Chair. This decision is made on the basis of two criteria: the local authority within whose area local communities will be most affected by the issue under scrutiny and the local authority within whose area the service being affected is predominantly based (e.g. a hospital location).

*You can find further information here: [bit.ly/1BwHjX0](https://bit.ly/1BwHjX0)*

*Contact point: [scrutiny.services@york.gov.uk](mailto:scrutiny.services@york.gov.uk)*

## Terms of reference for LSB Scrutiny Panel – Swansea

Swansea has established a multi-agency LSB scrutiny panel which ‘addresses the democratic deficit inherent in partnership arrangements by providing an accountability role for elected councillors’. The main aim of the panel is to consider: ‘What difference is Swansea Local Service Board making for citizens?’ In doing so it focuses on three key questions:

- how well has the One Swansea Plan been developed and reviewed?
- how effectively has the One Swansea Plan been delivered?
- how much added value has the LSB delivered?

The multi-agency panel comprises of seven members including four councillors (drawn from Scrutiny Programme Committee, School Performance Panel, Service Improvement Panel and Wellbeing Performance Panel) along with members from Bro Morgannwg University Health Board, South Wales Police and Crime Panel and Voluntary Services Board of Trustees. The Panel will report by letter to the Chair of the LSB and the public will be kept informed via social media and the Swansea Scrutiny website.

*You can find further information here: [bit.ly/1xcVJaU](https://bit.ly/1xcVJaU)*

*Contact point: [rosie.jackson@swansea.gov.uk](mailto:rosie.jackson@swansea.gov.uk)*

## Protocols between scrutiny and organisations subject to scrutiny

It is also important to develop a common understanding between those parties doing joint scrutiny and those being scrutinised. The useful list of protocol components provided in the WLGA and CfPS guide to scrutiny of multi-agency partnerships has been adapted overleaf to provide a framework for joint scrutiny.



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**All partners in joint scrutiny should have a common understanding and sense of purpose**

## Developing protocols between scrutiny and regional/partnership being held to account

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### These protocols should involve:

- Establishing general principles – e.g. constructive scrutiny
- Establishing objectives and desired outcomes – e.g. ensuring activities are focused and have a shared purpose
- Identifying points of contact – e.g. clarifying lead liaison point (authority and individual) on the scrutiny side
- Agreeing boundaries of scrutiny remit – e.g. ensuring no accountability overlaps and duplication with local scrutiny committees and regulators
- Consultation mechanism for scrutiny priorities and work programmes – e.g. to provide adequate notice for organisations and frame expectations
- Clarifying evidence-gathering process – e.g. role of independent experts, expectations around level of analysis
- Agreements on rules of engagement regarding provision of information and attendance at scrutiny – e.g. expected timescale for response, clarity on status of witnesses
- Clarifying reporting arrangements – e.g. who will receive reports? Will there be opportunities for ‘early sight’, timescale for response to recommendations
- Opportunities for feedback, reflection and assessment – e.g. to review process from all sides, mechanism for evaluating success against agreed outcomes.

*WLGA and CfPS (2010) Scrutiny of Multi-Agency Partnerships*

## Step 3: Appointing and preparing scrutineers

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Appointing councillors to scrutiny positions and preparing them for the role is a crucial task. So it will be important to work to create a collective scrutiny culture, bearing in mind that authorities have different ways of working on scrutiny, whilst representatives from partner organisations may have a limited understanding of the scrutiny role.

This section of the handbook:

- considers the types of skills joint scrutiny members might require, highlighting the pivotal role of the joint scrutiny Chair as a role model and champion of joint scrutiny
- emphasises the need for members of joint scrutiny panels to become familiarised and integrated before beginning their scrutiny work
- reflects on the need to ensure an apolitical and non-partisan approach to joint scrutiny.

### Joint scrutiny skill sets

Evidence shows that it is important to select councillors with the appropriate skill set for joint scrutiny. Joint scrutiny is often focused on decisions taken at a more strategic/regional level and also necessitates considerable learning on the job as members get to grips with new and complex policy areas.

Many authorities have role descriptions for scrutiny members and Chairs. Often these are based on those prepared by the WLGA. The latest version of those role descriptions and person specifications is provided here ([bit.ly/1AtAySr](https://bit.ly/1AtAySr)). However, we demonstrate how these might be adapted for joint scrutiny overleaf.



## Extract from a joint scrutiny member person specification

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### An effective joint scrutiny member requires:

- A commitment to working jointly with scrutiny members of other authorities and representatives of partner organisations
- An understanding of the role and functions of the partnership/regional organisation
- An understanding of the key strategies, priorities and direction of travel of the partnership/regional organisation
- A commitment to an approach to joint scrutiny which is member-led, provides an evidence-based challenge and is an important mechanism for community engagement and service improvement
- An ability to operate apolitically, objectively, collectively and inclusively
- Willingness to work within the guidance of the Chair
- Willingness to undertake personal development as necessary and understand the skills they need to undertake the role
- An ability to negotiate and build consensus
- Full engagement in scrutiny, including asking questions.

WLGA (2014) *Overview and Scrutiny Member Person Specification*: [bit.ly/1AtAySr](http://bit.ly/1AtAySr)

Contact point: [sarah.titcombe@wlga.gov.uk](mailto:sarah.titcombe@wlga.gov.uk)

## The role of a joint scrutiny Chair

The Chair of any scrutiny committee is crucial as they help to set the tone and drive a committee's performance. Scrutiny Chairs need to be objective, politically neutral and have a clear capacity to coordinate scrutiny activities. They also need to be able to ensure that all members feel comfortable and confident about making a contribution.

However, the Chair of a joint scrutiny committee bears a particular responsibility as they are bringing together members from a range of authorities, sometimes with partners, and need to create a welcoming, balanced and constructive environment.

Reflections on the experiences of chairing Prosiect Gwyrdd and the panel's success are provided overleaf.



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**Careful selection  
of the joint scrutiny  
Chair is crucial to  
the success of the  
process**

## Chairing joint scrutiny – Prosiect Gwyrdd

The Chair of the Prosiect Gwyrdd Scrutiny Panel had previously been the scrutiny ‘champion’ for the Vale of Glamorgan Council for many years. This background meant that he was highly familiar with scrutiny and keen to promote joint scrutiny. In addition, he had also attended the Leadership Academy which had provided him with opportunities to meet with councillors from a range of authorities. Together these experiences helped to prepare him for his role as Chair of the Prosiect Gwyrdd Scrutiny Panel – a role which he felt he benefited hugely from as it allowed him to meet and work with a range of other councillors and officers from different councils.

The Chair took his responsibilities very seriously but in many ways would describe the role as being a relatively ‘simple job which relies on him being ‘fair to everyone’ and ‘doing his homework’. It was clear that this approach was appreciated by members of the scrutiny panel as he was subsequently re-elected as Chair on two occasions.

*Continued...*

When identifying the highlights of the experience of chairing the panel, the Chair stated that the absence of politics was a major advantage with most members not even knowing one another's political affiliation.

The other key benefit was that members had a real opportunity with a joint scrutiny of this nature to make a difference and engage the public which they achieved through their 'call for evidence' days and site meetings.

In terms of reflection and improvement, the Chair expressed some regret that there had not been greater engagement with the Joint Committee (which consisted of executive members from each council). In hindsight, he felt he might have benefited from attending Joint Committee meetings and vice versa.

*You can find a report from the Prosiect Gwyrd Scrutiny Panel here: [bit.ly/1MtaqPQ](http://bit.ly/1MtaqPQ)*

*Contact point: [jonesj16@caerphilly.gov.uk](mailto:jonesj16@caerphilly.gov.uk)*

The WLGA has also recently updated its role description and person specification for scrutiny Chairs, a copy of which can be found here ([bit.ly/1MtaO0T](http://bit.ly/1MtaO0T)). Once again, we have adapted this for Chairs of joint scrutiny. See overleaf, for an illustrative extract.

## Extract from a joint scrutiny Chair person specification

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### An effective joint scrutiny Chair requires:

- An ability to create an effective, supportive and welcoming environment for scrutiny members and partner representatives from different organisations
- An ability to see the big picture at the regional level
- A clear understanding of the role and functions of the partnership/regional organisation
- An understanding of the key strategies, priorities and direction of travel of the partnership/regional organisation
- A commitment to enabling an approach to joint scrutiny which is member-led, provides an evidence-based challenge and is an important mechanism for community engagement and service improvement
- An ability to work constructively with partnerships/regional organisations under scrutiny
- A commitment to develop and embed an apolitical, objective, collective and inclusive scrutiny process
- A commitment to offer guidance and mentorship to scrutiny members
- A willingness to ensure that joint scrutiny makes a difference
- An ability to negotiate and build consensus
- An ability to manage people, projects and resources
- A commitment to raising the profile of joint scrutiny and an ability to champion it within the authority and beyond.

*WLGA (2014) Overview and Scrutiny Chair Person Specification: [bit.ly/1Mta00T](https://bit.ly/1Mta00T)*

Contact point: [sarah.titcombe@wlga.gov.uk](mailto:sarah.titcombe@wlga.gov.uk)

Given the sensitivities around joint working, it is especially important to demonstrate that the appointment process for a joint scrutiny Chair is fair and transparent and also to build in regular opportunities, such as an annual vote, to re-elect the Chair and Vice-Chair. There is also a need for a clear policy on substitutions, co-options and so on.

### Joint scrutiny champions

A Chair of joint scrutiny can also be a role model by generating a collective spirit and focusing the committee's activities at the strategic level. Ideally they will be able to adopt a wider role as the authority's 'Joint Scrutiny Champion'.

The Chair of RCT's LSB Scrutiny Working Group provides a good example of a joint scrutiny champion. His reflections on his experiences in the role and the group's success are provided overleaf.



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## Appointing a joint scrutiny champion should raise the profile of joint scrutiny

## Championing RCT LSB scrutiny

Rhondda Cynon Taf has established an LSB scrutiny working group comprised of a mix of councillors and partner representatives from the South Wales Police Authority, the voluntary sector and Cwm Taf Health Board. The group has conducted a review of a cross-cutting LSB responsibility – domestic abuse – and has more recently been reviewing LSB priorities and plans.

The Chair of the group aims to create a welcoming and supportive environment, establishing a rapport with members of his committee, especially with partner representatives who had no previous experience of the scrutiny process. He modestly attributes the group's success to a team effort but with a committed membership and having been subsequently re-elected as Chair, it is clear that he is making a significant contribution to joint scrutiny.

*Continued...*

The Chair identified a series of success factors that help to make the joint scrutiny work which include:

- Providing all scrutiny members with voting rights – ‘we are all equal partners here’
- Ensuring that members set the agenda and are given something tangible to examine
- Allowing partner members to be fully involved in the scrutiny process
- The need to be open, honest and transparent and to hold each other to account
- Having a combination of members with different sets of expertise but a shared commitment to scrutiny and common traits – confident, able to express themselves and not easily intimidated
- Providing training for members and information on how the LSB works so they feel comfortable and confident about their knowledge base
- Success breeds confidence – the recommendations from the working group have been accepted by the LSB and this helps to provide motivation to continue their work
- The importance of making each member feel valued. The Chair holds one-to-one meetings with members so he can emphasise the contribution of each member of the working group.

*You can find a copy of an RCT LSB scrutiny report here:  
[bit.ly/1BqXM05](https://bit.ly/1BqXM05)*

*Contact point: [Karyl.May@rctbc.gov.uk](mailto:Karyl.May@rctbc.gov.uk)*



## Integrating joint scrutiny committee members

Case studies of joint scrutiny demonstrate that investing time in building a team identity and a collective sense of purpose can be key to success. For example, members from the authorities involved in Prosiect Gwyrdd spent time together informally, prior to beginning their scrutiny review, to enable them to get to know one another and build personal relationships.

In anticipation of the move to collaborative working on scrutiny, scrutiny teams in Gwent worked on a collective scrutiny project designed to raise awareness of partnership developments and prepare councillors for joint scrutiny. A summary of the project is provided overleaf.



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**Informal networking  
events for members  
lead to successful  
joint scrutiny**

## Promoting a joint scrutiny culture in Gwent (2010–2011)

This project built upon the Local Government Measure which outlined the option for two or more local authorities to set up a joint overview and scrutiny committee. The project aimed to build relationships with partners, to raise awareness of the role of scrutiny and identify the benefits and barriers of joint scrutiny. It was undertaken jointly between Blaenau Gwent, Caerphilly, Merthyr Tydfil and Torfaen councils. Training sessions were held across the four authorities and were attended by officers and members and representatives from health, the police and fire service, and voluntary sector organisations. The joint project enabled the group of authorities to secure training provision which they may not have been able to afford on their own and encouraged members to develop relationships with counterparts from different authorities. The councils' report on the project concluded that 'there is an appetite for working together in terms of scrutiny' and suggested that the project had helped to set foundations for future joint training and scrutiny.

*This collaborative project features in the following report:*  
[bit.ly/1KWyEVA](http://bit.ly/1KWyEVA)

Contact point: [sian.steadman@blaenau-gwent.gov.uk](mailto:sian.steadman@blaenau-gwent.gov.uk)

In Carmarthenshire, where joint scrutiny of health and social care has been developing between councillors and partners for some years, a series of meetings is held to develop and strengthen relationships between scrutineers. In this case, ice-breaker sessions are held between members of the local scrutiny committee and the Community Health Council (CHC) to underpin successful joint scrutiny of health and social care (see below).

### **Building collective purpose on scrutiny – Health and Social Care scrutiny in Carmarthenshire**

The Carmarthenshire Joint Scrutiny Forum is comprised of Carmarthenshire’s Health and Social Care Scrutiny Committee and the Hywel Dda Community Health Council Local Committee. Prior to working together, the two memberships were not familiar with one another and there was often limited understanding of the roles of the two organisations.

A recent turnover in membership necessitated an orientation session for members of the Joint Scrutiny Forum, held in Llanelli Town Hall in June 2014. The session involved briefings on the role of the joint forum, local scrutiny and the Community Health Council. At the start of the meeting, members were sitting collectively within their organisations and were quite clearly two separate groups. It was difficult to imagine them working together.

*Continued...*

However, at break time, members worked in pairs with someone they had never met from the opposite organisation and were asked to determine their partner's name, home town, occupation, interests/ hobbies and one interesting fact about them. In addition, they had to identify their partner's key policy priority for health and social care scrutiny.

This simple 'ice-breaker' exercise completely changed the dynamic in the room as members focused on their new partners. In addition, the suggestions for scrutiny review revealed considerable common ground amongst the membership confirming their collective purpose. Scrutiny and CHC officers will hold a further bonding event to cement relationships and crystallise priorities before beginning their next review.

*You can find more on Carmarthenshire Joint Health and Social Care scrutiny here: [bit.ly/1xcXMf6](https://bit.ly/1xcXMf6)*

*Contact point: [CAReynolds@carmarthenshire.gov.uk](mailto:CAReynolds@carmarthenshire.gov.uk)*

## Party politics and joint scrutiny

In theory, party politics is not supposed to play a role within the scrutiny process. In practice though, party politics is a feature of local authority life and its influence can all too often be seen within committees. However, research shows that the impact of party politics is often lessened and diluted in the case of joint scrutiny as committees are comprised of members from across different authorities and partner representatives.

In addition, some authorities have made particular efforts to minimise the influence of party politics by adopting formal provisions within protocols and terms of reference. For example, all authorities have been supportive of the decision to waive political proportionality in joint working on health scrutiny in the South West of England. More details are provided overleaf.



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**It is important to consider how party politics might affect joint scrutiny**

## Waving political proportionality in the South West of England

Government legislation states that Joint Health Scrutiny Committees (JOSHCs) must be politically proportionate to the membership of their local authority unless all authorities agree to waive the requirement for proportionality. To give each authority flexibility in appointing the most appropriate members to the JHOSC and to avoid constraints in the appointment of members, the original JOSHC protocol developed in the South West of England 2004 waived the requirement for political proportionality.

Each authority signed up to the protocol and successive joint scrutiny arrangements have maintained this position. The protocol does contain a clause which reserves the right for individual local authorities to select their representatives on the basis of political balance but to date no authority has chosen to exercise this right.

Scrutiny officers suggest that the waiving of political proportionality has been vital to the success of effective scrutiny in the South West as party politics plays less of a role in the process and members are selected on the basis of their scrutiny expertise.

*You can find a copy of the protocol here: [bit.ly/1GrHp3b](https://bit.ly/1GrHp3b)*

*Contact point: [scrutiny@bristol.gov.uk](mailto:scrutiny@bristol.gov.uk)*

## Step 4: Setting-up officer support

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Scrutiny arrangements will differ from authority to authority so it will be important for scrutiny teams to ensure that there is some understanding of how arrangements might be aligned where appropriate and possible. This section considers how officer support for joint scrutiny can be organised and managed.

When protocols are operationalised, depending on the focus of the scrutiny review and its scope, scrutiny support roles can be identified, allocated and clearly mapped within protocols to avoid overlap and confusion.

In areas where local authorities regularly carry out joint scrutiny work on different topics, it seems sensible to share the responsibility for co-ordination of activities as this can help to remove potential barriers to joint scrutiny and disproportionate workloads. See the example over the page related to gynaecological scrutiny in South West of England.



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**Careful allocation  
of supporting roles  
for joint scrutiny  
helps to avoid overlap  
and confusion**

## Hosting, chairing and working arrangements – joint health scrutiny

The Bristol, Bath and North East Somerset and South Gloucestershire JHOSC employs two criteria in order to determine which authority should act as host. The protocol states that it is common for the host authority to be the one predominantly affected by the proposals or the local authority containing the administrative headquarters of the health organisation concerned.

The protocol is then applied to each review. So for example, a recent review of gynaecological services identified equal impacts across the three local authorities so a decision was taken to share the hosting and chairing of Committee meetings and rotate around the three authorities. Bristol and Bath and North East Somerset undertook to share the workload in terms of collating agendas, preparing witnesses and mailing papers.

*You can find a copy of the protocol here: [bit.ly/1GEVPAu](https://bit.ly/1GEVPAu)*

*Contact point: [scrutiny@bristol.gov.uk](mailto:scrutiny@bristol.gov.uk)*



The most common way to achieve clarity in terms of support for joint scrutiny is to appoint a lead authority that will coordinate scrutiny activity. Whilst the lead authority might be influenced by their preferred method of working, it is important to adopt a shared, agreed and consistent approach.

It is often helpful to have a single named scrutiny officer in one authority who takes responsibility for coordinating activities and producing all the necessary documentation. This provides a single point of contact and allows the scrutiny officer to build important relationships, not only with members of joint scrutiny, but also with contacts in organisations under scrutiny. In addition, they will accumulate vital policy understanding and insights over time. The example overleaf profiles the role of a joint scrutiny officer supporting health scrutiny in North Central London.



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**Consider having  
a lead authority  
and named officer  
coordinating joint  
scrutiny activities**

## Supporting health scrutiny in Haringey

In addition to a local authority scrutiny role, a Haringey officer has supported the North Central London Joint Health Overview and Scrutiny Committee since 2008. The committee is comprised of members from the London boroughs of Barnet, Enfield, Haringey and Hertfordshire County Council and meets in rotating locations to consider variations in health provision.

A long association with the Joint Health Committee means that the officer has developed excellent relationships with key contacts in health organisations. He has also developed intimate knowledge of local health services and is therefore very well placed to guide the committee in relation to progress against previous reviews and discussion points. He suggests that the success factors for joint scrutiny are: experienced members, an absence of party politics, recognition of the impact of health on the quality of life of local citizens, a gentle approach, and resisting jumping to conclusions and generating negative publicity.

*You can find information on the North Central London JHOSC here:  
[bit.ly/1b27pZB](https://bit.ly/1b27pZB)*

*Contact point: [mackr@haringey.gov.uk](mailto:mackr@haringey.gov.uk)*

In reviewing the kind of support required for joint scrutiny, it is useful to reflect on the roles and related responsibilities for scrutiny officers identified by CfPS. The example over the page shows how these might be adapted and developed for joint scrutiny.

### Scrutiny officer roles in the context of joint scrutiny

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- Researcher/analyst – responsible for undertaking, or more likely commissioning, detailed research in new and complex areas, analysing and synthesising key findings, coordinating the production of reports, recommendations and policy solutions
- Communicator – providing a contact point for all parties, coordinating and briefing members (mindful of varying scrutiny cultures), liaising with decision makers, link to public, stakeholders and media
- Negotiator/diplomat – coordinating and supporting members, facilitating consensus decision-making, managing unexpected problems, liaising on recommendations
- Project manager – planning and delivering reviews, designing methodology, procuring research, managing budgets, public engagement strategies
- Relationship builder – facilitating the collective group of scrutineers, being a key point of contact for organisations under scrutiny, underpinning trusting relationships between all parties.

*Centre for Public Scrutiny (2010) Scrutiny Officers – Pay and Grading*

## Step 5: Managing a joint scrutiny review

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This section of the handbook provides a short overview of the key stages of a scrutiny review, based on CfPS guidance, and highlights how this applies to joint scrutiny.

Authorities will already have processes in place for conducting scrutiny reviews. Although clearly in the context of joint scrutiny, it is sensible to adopt a shared and agreed approach. Also there are aspects of scrutiny that are likely to vary and become more complicated when working jointly.

### Selecting the right issue

On some occasions, e.g. in the case of flooding or joint service developments, the issue will present itself. However, on other occasions the joint scrutiny group will need to take a decision on what to scrutinise. It will be important then to ensure members engage fully in discussions and come to a clear agreement about the issue under examination.

Options might be determined by the remit or work programme of a partnership or regional collaboration. Alternatively, discussion amongst members can help to surface priorities. For example, Carmarthenshire CHC health and social care scrutiny operates on the basis of members working together to generate priority issues to address.

## Setting objectives

At this stage it is important to consider how best to add value in relation to the problem under scrutiny. So consider whether objectives are relatively simple (e.g. getting parties around the table to improve communication or hear evidence) or more complicated (e.g. to learn lessons from a regional issue).

Think also about how objectives can be achieved cost-effectively and, realistically, how long it will take to achieve them. Finally, think about how the review might develop as this will enable opportunities to engage relevant organisations and the public at an early stage.

## Scoping

Usually much of this will be achieved in conjunction with the Chair but in the case of joint scrutiny it is especially important to ensure all members can input so the process is as inclusive and shared as possible.

As joint scrutiny often involves analysis of new and/or complex policy areas, background research will be necessary in order to develop an initial project plan. Allow sufficient space within the timetable for best practice/field visits and evidence sessions as these are likely to be organised on a larger regional scale. Similarly, prepare plans for public engagement early on and begin to promote the review within the authority and beyond to raise awareness.

## Evidence-gathering

It is important to consider how evidence will be gathered and to specify a methodology at the early stage of a review. As joint scrutiny work can involve managing varied sources of evidence (e.g. from different and emotive interests) from across a wide geographical area, it is important to maximise the use of existing evidence and to ensure members play a key role in gathering data.

As always, ensure that evidence sessions are carefully managed and that the evidence base is balanced, e.g. with information from providers, service users and experts as it is likely to be subject to wider public and media scrutiny. Experiences of joint scrutiny have identified a series of lessons regarding evidence gathering which are discussed in more detail in the next section.

## Summarising findings and compiling recommendations

Key findings will act as building blocks for the report which can then lead to the identification of a set of recommendations. In the case of joint scrutiny, these are likely to apply to a range of organisations, including the authorities represented. This means it is especially important to give sufficient thought to how they can be achieved and provide an indication of timescales for response. A later section of the handbook provides more detail on the compilation of reports and recommendations, along with recent examples.

## Step 6: Coordinating the evidence-gathering

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This section covers three elements of evidence-gathering that are especially important for joint scrutiny:

- gathering robust evidence in complex policy areas
- managing input from a wide range of stakeholders
- planning evidence sessions.

1. The policy areas under joint scrutiny can be particularly complex so it is especially important to ensure that robust, objective and extensive evidence is gathered. Gathering good quality evidence is fundamental to the scrutiny process, as is demonstrated below.

### Why good quality evidence is essential to good quality scrutiny

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- to ensure that there is a justification for scrutinising a particular issue in the first place
- crucial in informing objectives and defining the scope of reviews
- essential in enabling members in their support and challenge role
- fundamental to credibility of process – impartial, transparent and logical
- helps build trusting relationships with those involved in process
- recommendations more likely to be implemented
- impact of scrutiny will be made more visible.

*Centre for Public Scrutiny, 2014*

In some cases, it can be helpful to commission research from an independent source to underpin the scrutiny inquiry. For example, when jointly scrutinising the impact of NHS procurement on the regional economy, Caerphilly and Newport commissioned research from experts at the School of City and Regional Planning and the Welsh Economy Research Unit at Cardiff University. Further details of the research specification are reported over the page.



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## Commissioning expert research can add value to the joint scrutiny process



## Caerphilly and Newport joint scrutiny of NHS procurement

Researchers were commissioned to analyse the procurement of Aneurin Bevan Health Board (ABHB). The objectives of the study were to:

- Define the term 'local' with respect to purchasing behaviour of ABHB
- Demonstrate how far ABHB had successfully implemented action points from the NHS All Wales Procurement Strategy
- Identify whether targets for local procurement had been set and how they were being achieved
- Analyse the amount of spending by ABHB and benefits for wider economy
- Identify local procurement opportunities.

The research revealed that individual health boards had little discretion over procurement due to standardised NHS supply chains and extensive regulations. The report recommended the encouragement of cross-public services collaborative procurement at the regional level which could provide savings and have positive impacts on the local economy. On the supply side, it also advised that better advice and notice of procurement opportunities be made available to local businesses. In addition, the report advocated support for increased procurement of high value added products and business services from within Wales. These independent findings shaped the final scrutiny report and recommendations.

*You can find copies of reports here: [bit.ly/1E5DxIS](https://bit.ly/1E5DxIS) and [bit.ly/1KWA5TG](https://bit.ly/1KWA5TG)*

*Contact point: [jonesj16@caerphilly.gov.uk](mailto:jonesj16@caerphilly.gov.uk)*

2. By its nature, joint scrutiny involves a scaling up of the scrutiny process, making the evidence-gathering process a more considerable task. The scrutiny of Prosiect Gwyrdd provides a key case in point as it involved a highly technical environmental procurement process involving five authorities and prompting input from a variety of interests. In this case, procedures for gathering written and oral evidence were very carefully managed, see below.

### **Collecting complex evidence from a variety of interests – Prosiect Gwyrdd**

As the scrutiny of Prosiect Gwyrdd was addressing an issue of major public concern, there was a need to ensure that the evidence-gathering process was as tightly-focused as possible. Consequently, a specific project plan was drawn up related to the Call for Evidence. Illustrative extracts of the plan can be found below.

It is important that the Call for Evidence session has clear terms of reference. Members have previously agreed that the project will focus on health and environmental concerns. It is important that the terms of reference are clear and focused to avoid the subject being extended into broader areas of concern.

*Continued...*

**The proposed terms of reference are:**

To conduct an investigation to evaluate:

- Is there any validated scientific evidence that an energy from waste incineration plant operating within the UK's current statutory framework causes harm to human Health and Environmental damage?
- If there are example(s) of validated scientific evidence, what are the causes of/effects on human health and the environment?

**The Call for Evidence** – a letter (either in hard copy or email) is sent to invite individuals and organisations to provide written evidence. A deadline of 8 weeks will be given for receipt of responses to ensure all interested parties have sufficient time to develop a response.

**Timetable** – the Forward Work Programme includes a meeting to discuss the call for evidence. Two separate meetings will be needed; the first to consider the consultation responses received and agree those individuals or organisations to be invited to give oral evidence. A second meeting will be needed to invite witnesses to discuss their submission of evidence and take part in a question and answer session.

*Continued...*

**Budget and Remuneration** – members are asked to note that the Joint Scrutiny Panel (JSP) does not have specific resources available to pay expert witnesses or, reimburse travel and subsistence expenses for those willing to attend an oral evidence meeting.

**Format of Meetings** – the call for evidence is expected to attract interest from a number of different organisations that may wish to attend the committee’s meetings. In accordance with usual requirements, meetings of the JSP are open to members of the public. Penallta House can accommodate a large public gallery within a committee room setting. It is suggested that a committee format would be less formal, welcoming for witnesses and encourage greater debate amongst JSP committee Members.

*You can find a copy of the document here: [bit.ly/18b06LJ](https://bit.ly/18b06LJ)*

*Contact point: [jonesj16@caerphilly.gov.uk](mailto:jonesj16@caerphilly.gov.uk)*

3. Joint scrutiny evidence sessions need to be very carefully planned and expertly directed due to the number and range of actors involved.

For example, when meeting together recently to hear evidence, the three health overview and scrutiny committees from Bristol, South Gloucestershire and Bath and North East Somerset gave witnesses very specific instructions about where they would sit and how they would each contribute to the process – see the good practice example overleaf.

## Planning and organisation of a joint scrutiny evidence session – South West of England

Sometimes health scrutiny committees in the South West meet as a joint committee with three representatives from each council. However, if it is not clear whether a health decision will need joint scrutiny, all committee members from each authority meet together to hear evidence. When this happens, careful planning is required to set the arrangements.

A recent session in the Bristol Council Chamber involved three individual health overview and scrutiny committees coming together to hear evidence from NHS organisations. The session involved three full committees of scrutiny members, plus NHS officers and members of the public and required considerable organisation. Extracts of the documents outlining the working arrangements are reported below.

### Seating

The following are to sit on the Dais – the Chair of the Meeting, the other two Chairs, local authority officers and relevant NHS officers when presenting. Bristol and South Gloucestershire council members are to sit in the block of benches in front of the Dais to the left of the Chair; North Somerset Council members are to sit in the block of benches in front of the Dais to the right of the Chair; NHS Officers are to sit in the back row of benches behind the North Somerset members. Members of the public will be asked to sit in the next two blocks of benches further away from the Dais.

*Continued...*

### **Public Forum**

- Public forum items must be provided to the host authority (Bristol) no later than 12 noon on the working day before the meeting
- A copy of each of the written statements will be emailed to Members prior to the meeting
- Public forum statements will be heard before NHS officers make their presentations
- All Public forum speakers be allowed to speak for 3 minutes each
- Questions will not be permitted during Public Forum.

*You can find details of this session here: [bit.ly/1MrHq9h](https://bit.ly/1MrHq9h)*

*Contact point: [scrutiny@bristol.gov.uk](mailto:scrutiny@bristol.gov.uk)*

As the issues being addressed by joint scrutiny are often emotive in nature (e.g. health, flooding, waste), clear rules of engagement need to be put in place for evidence sessions and public meetings. For example, in preparation for the Somerset Flood Summit, an etiquette document was prepared and distributed amongst contributors to ensure that the session ran courteously.

## The etiquette of joint scrutiny – flooding in Somerset

This joint scrutiny review had a strong focus on public engagement in response to significant public pressures for action in addressing the flooding. A press release was issued which was picked up by the local press. This asked for the public's views on the three main issues which the Flood Summit should address. 3,000 emails were received from the public and their responses to these questions were used to structure the Somerset Flood Summit.

In order to ensure that the Summit meeting was carefully managed and organised, the Working group adopted an etiquette guide, extracts of which are provided below:

- Meetings are for the benefit of all and no one person has the right to dominate or become disruptive. People should be addressed courteously and be comfortable enough to make their contributions
- Whilst the Chair is responsible for managing the meeting, it is everyone's responsibility to ensure the Chair's job is as smooth as possible for the good of all. The Chair will aim to ensure that the meeting times are managed well so that everything can run to time. They also need to manage contributions, ensure contributors do not repeat themselves and do not monopolise time. This will ensure that equality and courtesy are maintained

*Continued...*

- Everyone should be aware of other people's rights to be treated with courtesy. Nobody should feel bullied or insulted or be verbally attacked. Should anyone disagree with someone else, then there is a friendly and courteous way to disagree
- Those wishing to speak should signal their intention to the Chair and wait to be invited. Before speaking you should construct the points you wish to make and stick to them, speaking for as short a time as possible whilst using clear non-defamatory language
- The Chair has a duty to stop disruptive practices and ask those displaying unacceptable behaviour to leave – this would always be a last resort
- In group discussion, each participant should make space for all others who wish to contribute
- Everyone should be open to innovation and be prepared to learn from others.

We ask that all those attending will:

- Really listen to what people say
- Make any criticisms constructively
- Contribute at least once
- Make the most of this opportunity.

*You can find the full document here: [bit.ly/1B4AIVJ](https://bit.ly/1B4AIVJ)*

*Contact point: [Emily.McGuinness@SouthSomerset.Gov.Uk](mailto:Emily.McGuinness@SouthSomerset.Gov.Uk)*



## Step 7: Reporting arrangements

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This section reviews reporting arrangements for joint scrutiny and:

- considers how principles around reporting can be established in advance
- discusses how reports and findings can be agreed
- reflects on sensitivities around reporting recommendations
- reviews mechanisms for ensuring a response to recommendations.

Reporting arrangements for joint scrutiny reviews are likely to differ slightly from those used for local scrutiny as reports are likely to be addressed to a range of organisations, including potentially a number of local authorities.

In this context, it is important to ensure that reporting arrangements are clarified from the outset and that expectations around response are established. For example, the South West joint health scrutiny committee protocol specifies how reporting will work (see overleaf).



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**Try to agree and clarify reporting arrangements from the outset**

## Establishing standard reporting arrangements in the South West of England

The protocol which underpins joint health scrutiny between Bristol, Bath and North East Somerset, North Somerset and South Gloucestershire councils specifies reporting arrangements in the following terms:

- A draft report will be considered at a pre-meeting with one representative from each authority on the committee before it is taken to the main committee
- The guidance states that one report has to be produced on behalf of the committee. The final report should reflect the views of all local authority committees involved in the joint committee but it will aim to be a consensual report. The guidance does not suggest any mechanism if there is a failure to agree a consensual report. It is recommended that in this situation, a separate section in the report will record any minority report recommendations. At least three members of the joint committee must support the inclusion of any separate minority report in the committee's final report. Any report produced by the committee will be submitted to council meetings of all authorities involved for information
- The NHS body or bodies receiving the report must respond in writing to any requests for responses to the report or recommendations, within 28 days of receipt of the request.

You can find a copy here: [bit.ly/1GrHp3b](https://bit.ly/1GrHp3b)

Contact point: [scrutiny@bristol.gov.uk](mailto:scrutiny@bristol.gov.uk)

## Agreeing the report

Given the range of members involved from different authorities used to different practices, it is sensible to clarify mechanisms for agreeing the report from the beginning. Many joint scrutiny committees operate on a 'one vote per authority/organisation' basis although it seems decisions rarely come to a vote.

The example over the page shows the protocol used by York to underpin joint scrutiny. It also covers the potential for the production of a minority report.



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## Reach a consensus on the process for agreeing and endorsing joint scrutiny reports

## Reports from a joint scrutiny committee – York

The protocol for joint scrutiny stipulates that at the end of an inquiry the committee will produce a report and recommendations including as a minimum:

- an explanation of the matter reviewed or scrutinised
- a summary of the evidence considered
- a list of participants involved in the review or scrutiny
- recommendations on the matter reviewed or scrutinised.

Reports then should be agreed by a majority of members before being sent to all relevant local authorities and other bodies. A provision is made within the protocol for minority reports where a member does not agree with the content of the report. In these circumstances, they can produce an individual report which forms an appendix to the main committee report.

*You can find further information here: [bit.ly/1BwHjXO](https://bit.ly/1BwHjXO)*

*Contact point: [scrutiny.services@york.gov.uk](mailto:scrutiny.services@york.gov.uk)*

## Reporting the recommendations

Ensuring the independence of scrutiny throughout the process and especially at reporting time is essential. This may be challenging, especially when joint scrutiny is focused on consortia and collaborations where the local authority is involved.

Examples of when joint scrutiny has produced potentially sensitive recommendations are provided below. As joint scrutiny tends to have a higher public profile, organisations can be especially nervous about findings and reporting. In these circumstances, scrutiny officers employ their usual diplomatic and negotiation skills to ensure recommendations are agreed and implemented.

### Reporting sensitive joint scrutiny recommendations

#### **Domestic violence – RCT LSB**

The RCT LSB scrutiny working group produced a major report on domestic abuse which had key implications for a range of organisations, including RCT itself. In advance of the presentation of the report, the scrutiny team at RCT were not placed under any pressure to brief their authority on the main conclusions of their inquiry. In fact, the Chief Executive of RCT was made aware of the recommendations for the first time when the report was presented publicly by the Chair. In this way, the independence of scrutiny was protected throughout the LSB scrutiny process.

*Continued...*

### **Flooding – Somerset authorities**

The Somerset Flood Summit prompted a series of recommendations for local authorities, the Environment Agency and others. Mindful of the sensitivities around the report, the coordinating scrutiny officer invested considerable time in briefing the organisations charged with implementing the recommendations. In addition, the members of the scrutiny working group each personally presented the report and recommendations to their whole councils. As a result, the scrutiny working group was able to publish their report with recommendations, accompanied with an immediate executive response.

### **Ensuring a response to recommendations**

Generating a meaningful response to recommendations can be challenging. Once again, clear, shared understandings about expectations can be enshrined within protocols. The example overleaf is from health scrutiny in the South West of England.

## Setting expectations – South West Specialised Commissioning Scrutiny

16 councils in the South West of England have drawn up a protocol for joint scrutiny in anticipation of future specialised commissioning on a regional basis via the South West Specialised Commissioning Group (SWSCG). The protocol outlines a course of action should there be an inadequate response to the JHOSC report. An extract can be found below:

- The report shall be sent by South West councils to all participating local authorities and SWSCG, relevant PCTs and other bodies determined by the JHOSC
- The JHOSC shall request a response to its report from SWSCG within 28 working days and then meet again to consider that response
- If the JHOSC is satisfied with the response from SWSCG, it will terminate the JHOSC
- If the JHOSC is not satisfied with the response from SWSCG, it should seek to reach agreement through discussion and negotiation
- If it is not possible to reach agreement, the JHOSC may report to the Secretary of State on the grounds that it is not satisfied a) with the content of the consultation and b) that the proposal is in the interest of the health service in the area.

You can find a copy of the protocol here: [bit.ly/1FaVbZM](https://bit.ly/1FaVbZM)

Contact point: [scrutiny@bristol.gov.uk](mailto:scrutiny@bristol.gov.uk)

## What will successful joint scrutiny look like?

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- ✔ **Joint scrutiny should not mean reinventing the wheel**  
When selecting a model or refreshing your existing approach, it should be possible to adopt a model already in use elsewhere in Wales and England and adjust it to local circumstances.
- ✔ **Joint scrutiny must be a shared and inclusive process**  
One authority should not be seen to be too dominant in terms of its coordination of joint scrutiny. Rotate meetings or hold them away from the Chair's local authority so that all parties feel they are equal partners within the process.
- ✔ **Joint scrutiny requires firm and clear coordination**  
Support arrangements need to be clarified, ideally with one key officer contact point for scrutineers and organisations subject to scrutiny to liaise with.
- ✔ **Joint scrutiny needs an especially robust evidence base**  
Evidence on technical and emotive issues needs to be highly rigorous and objective. A range of interests needs to be fairly represented in a context of potentially significant media attention and high public expectation.
- ✔ **Joint scrutiny requires clear and agreed reporting arrangements**  
Reporting arrangements will be significantly different from regular overview and scrutiny as a wider range of organisations will be involved. In this context, additional liaison may be required and recommendations may be 'softer' in nature.

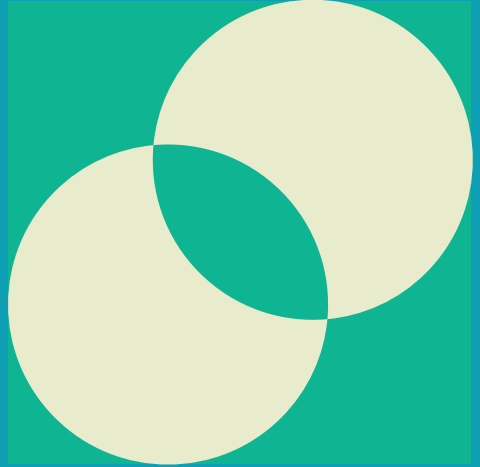
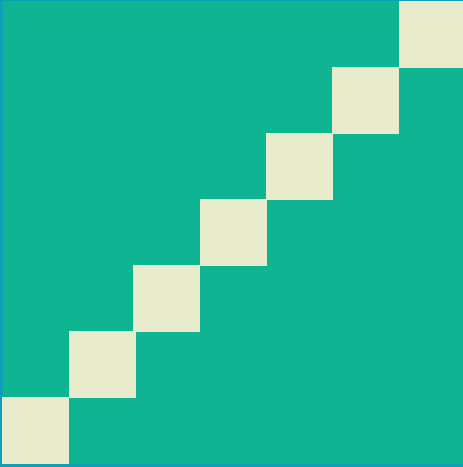


## Now think about....

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- ① Which joint scrutiny model seems most appropriate for joint scrutiny in your region.
- ② How your existing terms of reference and project plans could be adapted for joint scrutiny.
- ③ If there are opportunities to work jointly with neighbouring authorities on areas like scrutiny training or evidence-gathering.
- ④ Whether preparation for joint scrutiny could be incorporated in your authority's member development programme.
- ⑤ Who could be the joint scrutiny champion for your authority/region.
- ⑥ How party politics could be managed within the joint scrutiny process.
- ⑦ Whether your authority's public engagement strategy could be adapted for joint scrutiny.





**Section C:  
Capturing the  
impact of joint  
scrutiny**

## Influencing behaviours

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Measuring the impact of scrutiny is always a challenging process and trying to capture joint scrutiny's influence on behaviours might be especially difficult.

Despite some apprehension about being subject to scrutiny, joint scrutiny can provide an important opportunity for partnerships and other organisations to engage in wider dissemination and consultation around their work.

For many partner organisations, scrutiny will be a new process but clear and shared understandings about the nature of scrutiny and careful preparation can help to ensure that the process is constructive and productive.

In preparing for, and engaging in scrutiny, representatives and organisations under scrutiny are already beginning to change their behaviour as they reflect on their decisions and policies and consider them from a range of alternative perspectives.

In addition, there are clear incentives for organisations subject to joint scrutiny to engage with the process and incorporate it into their decision-making processes. For example, in the case of health scrutiny, if engagement with the process is deemed satisfactory and no substantial variation in local services identified, often local councils will recommend that there is no need for full consultation on policy decisions (see over the page for details).

## Joint scrutiny as an effective proxy for consultation – pathology services in the South West

An all-day evidence session in Bristol gave three health overview and scrutiny committees the chance to scrutinise NHS plans to reconfigure pathology services across Bristol, South Gloucestershire and Bath and North East Somerset. The three committees had been engaged with NHS organisations for a period of 18 months prior to the session whilst plans were being developed.

The extensive question and answer session provided some reassurance for members that the final proposals were a positive development and although they requested further guarantees on governance and the timeline for completion, overall the committees' conclusions were that the NHS did not have to carry out a formal consultation on pathology services.

As a result of a productive and trusting engagement on scrutiny, scrutiny officers in the South West of England report that NHS organisations now volunteer and share early information on policy developments with health scrutiny committees as a matter of course.

*You can find details here: [bit.ly/1MrHq9h](https://bit.ly/1MrHq9h)*

*Contact point: [scrutiny@bristol.gov.uk](mailto:scrutiny@bristol.gov.uk)*

## Influencing organisations and their decisions

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As reporting arrangements for joint scrutiny are likely to vary from regular overview and scrutiny processes, influencing organisations and their decisions and evidencing scrutiny's impact is likely to prove challenging.

As always, recommendations need to be SMART and responsibilities for implementation allocated appropriately, given that recommendations may be targeted at a range of organisations, including a number of local authorities.

In addition, it is important to develop a process by which those subject to recommendations can respond formally and appropriately, limiting the need for joint scrutiny committees to 'chase' progress on recommendations. The examples overleaf provide insights into reporting and recommendations in two cases of joint scrutiny.



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### Agreeing response arrangements can limit the need for scrutiny to chase progress on recommendations

## Influencing partnership organisations – Cardiff Partnership Board Scrutiny Panel

The Cardiff Partnership Board Scrutiny Panel has a combined membership which includes Cardiff councillors, non-executive members from the Partnership Board's partner organisations and an additional equalities representative. After its work in 2012, the Scrutiny Panel made a series of important recommendations designed to improve the effectiveness of the Partnership Board. The Panel had concerns about consistency on engagement practice and recommended that the Board sign up to the National Principles of Engagement whilst members also identified problems for the Partnership Board in disseminating best practice across work-streams and suggested a communication mechanism be established to resolve this. In addition, opportunities for resource-sharing were highlighted by the Panel, along with the need for an overarching monitoring framework. Finally, the Panel expressed concerns about minority group representation on the Partnership Board and suggested a minority representative be incorporated. Overall, the Panel's recommendations were accepted by the Board, with the exception of the recommendation on minority group representation. However, the Panel is continuing to monitor equalities issues in relation to the Partnership Board.

*You can find more information here: [bit.ly/1MrlxWG](https://bit.ly/1MrlxWG)*

*Contact point: [Paul.Keeping@cardiff.gov.uk](mailto:Paul.Keeping@cardiff.gov.uk)*

## Influencing the Local Health Board – mental health scrutiny in Carmarthenshire

In 2012/13 the Carmarthenshire CHC Joint Health and Social Care Scrutiny Forum examined progress against the Mental Health Measure. As a result of their review, the Forum made a series of ‘fair and realistic’ recommendations which fell into two categories: some related to how local services transform to make services work. For example, these include a recommendation that the forum should continue to monitor the Health Board’s Mental Health support services and the need for it to receive regular reports on progress. Other recommendations related to the promotion of positive attitudes towards mental health and included a suggestion that the Council and Health Board explore the use of ‘champions’ and role models who have experienced mental health problems. Overall, the Forum Chair was firm in his reporting of the recommendations stating ‘I expect the organisations above (particularly the statutory bodies) to heed and respond to these recommendations’. Consequently, they have been endorsed by the Health Board and the Council and there are already signs of implementation.

*You can find more information here: [bit.ly/1AjiJFz](https://bit.ly/1AjiJFz)*

*Contact point: [CAReynolds@carmarthenshire.gov.uk](mailto:CAReynolds@carmarthenshire.gov.uk)*



## Influencing policy debates

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Whilst joint scrutiny reports often contain specific recommendations for key organisations, the focus on cross-cutting policies and services means that joint scrutiny has a significant opportunity to influence, shape and frame policy debates through the dissemination of research and expert evidence.

For example, the report into flooding produced by the Somerset authorities formed the basis for the recently produced 20 Year Somerset Levels and Moors Flooding Plan commissioned by Department for Environment Food and Rural Affairs (Defra) endorsed by the Secretary of State for the Environment.

Similarly, the scrutiny conducted in relation to Prosiect Gwyrdd generated a series of findings and recommendations which had a wider resonance, beyond influencing the decisions to be taken by the consortia of local authorities. For more details, see over the page.



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**Joint scrutiny  
provides opportunities  
to shape regional  
and national policy  
debates**

## Influencing environmental policy and practice – scrutiny of Prosiect Gwyrdd

When five local authorities (Cardiff, Caerphilly, Newport, Monmouthshire and the Vale of Glamorgan) came together as Prosiect Gwyrdd in order to procure a solution for the treatment of waste, a parallel scrutiny panel comprising members from the five authorities was established. After taking evidence from an extensive range of experts and interests, the panel made a series of significant recommendations. Whilst some of these were directly related to the Prosiect Gwyrdd contract, the majority focused on wider environmental impacts and therefore were aimed at Welsh and UK Government organisations, amongst others.

For example, the Scrutiny Panel recommended that the Welsh Government legislate for locality ambient monitoring of airborne particles, whilst also suggesting that the Health Protection Agency and the UK Government urgently commit resources in order to commission research into ultra fine and nano particles and their health impacts. Finally, Panel members recommended that the Welsh Government instigate an environmental strategy aimed at reducing particulate pollution generated by road traffic, homes, industry and agriculture.

*You can find the report here: [bit.ly/1MtaqPQ](https://bit.ly/1MtaqPQ)*

*Contact: [jonesj16@caerphilly.gov.uk](mailto:jonesj16@caerphilly.gov.uk)*

## Learning and improvement

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As with all aspects of overview and scrutiny, there is a clear need to capture learning on joint scrutiny, engage in honest reflective evaluation and to seek to refine and improve the scrutiny process.

Authorities may want to incorporate reflection on joint scrutiny within their annual scrutiny review and reporting procedures. However, it will be important to ensure that these procedures capture the views of joint scrutineers, witnesses and representatives from organisations under scrutiny.

Alternatively, they may wish to instigate specific reviews of joint scrutiny working. For example, Cardiff County Council recently reviewed the effectiveness of their Cardiff Partnership Board Scrutiny Panel and instigated a series of improvements as a result (see overleaf).



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## Develop mechanisms for gaining feedback on the effectiveness of joint scrutiny

## Evaluation and review – Cardiff Partnership Board Scrutiny Panel

The panel has conducted some effective scrutiny which highlighted various problems limiting the effectiveness of the Partnership Board. However, panel members are keen to ensure that joint scrutiny of the partnership is as effective as possible so they devote the final meeting of each year to evaluation and review of the scrutiny process.

As a result, the Scrutiny Panel has revised its approach in order to make its work more focused, strategic and thematic and to ensure councillors adopt an overarching perspective rather than becoming drawn into the detail of work-streams. So, going forward, the Panel is focusing on the partnership board's effectiveness in relation to two themes: 'Public sector asset management' and 'NEETS'. In addition, members identified the need for better planning, along with a closer alignment with the work of other council scrutiny committees. Finally, the Panel put in place procedures to enable the tracking of recommendations in order to demonstrate impact.

*You can find further information here: [bit.ly/1MrlxWG](https://bit.ly/1MrlxWG)*

*Contact point: [Paul.Keeping@cardiff.gov.uk](mailto:Paul.Keeping@cardiff.gov.uk)*

Recent experiences of peer learning and exchange as a result of the Wales Audit Office (WAO) scrutiny improvement study are likely to prove useful in the context of developing effective joint scrutiny. The WAO identified a clear commitment to learning and improvement as a result of their work and report that many authorities have continued to share information to improve practice.

Whilst the Peer Learning and Exchange Teams for the Wales Audit Office study operated at local authority level, this methodology can equally be applied to joint scrutiny. For example, scrutineers may wish to observe members working with partners doing joint scrutiny of health and social care in Carmarthenshire or partnership boards in Cardiff, Swansea or RCT.

It might also be appropriate to learn from peers outside of Wales and observe health or other joint scrutiny in action in England.



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## Consider applying WAO peer review methodology to joint scrutiny



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