

# Scrutiny Protocol

The scrutiny protocol brings together all of the relevant sections of the Constitution of the Council of the City & County of Swansea. The protocol should act as a point of reference to guide the work of the Boards. The full constitution can be found at [www.swansea.gov.uk](http://www.swansea.gov.uk)

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(Please note - the paragraph numbering reflects the numbering in the constitution)

## **Part 1 - Summary & Explanation**

### **5 SCRUTINY ARRANGEMENTS**

- 5.1 Scrutiny will act as a 'critical friend' to the Cabinet and other decision makers in order to promote better services, policies and decisions. Working in a similar way to parliamentary select committees, scrutiny involves councillors who are not in the cabinet. They work together to ensure that the City and County of Swansea is an accountable, open and transparent organisation.
- 5.2 Scrutiny boards will allow citizens to have a greater say in Council matters by holding public sessions to inquire into matters of local concern. In compliance with S21 Local Government Act 2000 and Paragraphs 8 and 9 of Schedule 1 to the Act, these will lead to reports and recommendations that inform and advise the Cabinet and the Council as a whole on the revision of policies, budget and service delivery issues. These Boards can also scrutinise the decisions of the Cabinet.
- 5.3 These Scrutiny boards are listed in Article 6 of the Council Constitution. Each will have its own distinct terms of reference.

## **Part 2 - Articles of the Constitution**

### **6 ARTICLE 6 – OVERVIEW & SCRUTINY**

#### **6.1 Scrutiny**

6.1.1 The main aim of scrutiny is to act as a 'critical friend' to the Cabinet and other decision makers in order to promote better services, policies and decisions. Working in a similar way to parliamentary select committees, scrutiny involves councillors who are not in the cabinet.

6.1.2 The overview & scrutiny function was set up under Section 21 of the Local Government Act 2000. Every local council needs to have at least one overview & scrutiny committee.

6.1.3 In Swansea these are called scrutiny boards. There are 3 scrutiny boards:

- a. Stronger & Safer Communities Scrutiny Board
- b. People Scrutiny Board
- c. Place Scrutiny Board

Together they will hold the Council's executive to account, and examine the work of all Council departments as well as other public services.

6.1.4 There is also a Scrutiny Programme Board that will be responsible for coordinating the work of the Scrutiny Boards.

6.1.5 It is expected that the work of scrutiny should represent a significant and constructive programme of activities that will:

- a. Help improve services
- b. Provide an effective challenge to the executive
- c. Engage Members in the development of policies, strategies and plans
- d. Engage the public

6.1.6 In practical terms the work of scrutiny follows four stages:

- a. Work planning to identify issues and decide how to examine them
- b. Gathering evidence through consultation and research
- c. Making recommendations to the Cabinet, to Council and to other decision making bodies
- d. Following up to check that agreed actions have been taken and an impact made

#### **6.2 General Roles**

6.2.1 Within their terms of reference, scrutiny boards will:

- a. Review and / or scrutinise (a) decisions or actions taken, (b) policies or processes in connection with the discharge of any of the Council's functions;
- b. Make reports and / or recommendations to the Council meeting and / or the Cabinet on the discharge of any of the Council's functions;
- c. Consider any matter affecting the area or its inhabitants and make recommendations to any decision making body as appropriate

### **6.3 Specific Functions**

#### **6.3.1 Scrutiny boards may:**

- a. Assist the Council in reviewing service delivery and performance through in-depth analysis;
- b. Review and scrutinise the decisions made by and the performance of the Cabinet and / or Committees and / or other Constitutional Bodies and the Council and / or any Chief Officers both in relation to individual decisions and over time;
- c. Review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and / or particular service areas;
- d. Conduct research, community and other consultation in the analysis of service or policy issues and possible options;
- e. Consider and implement mechanisms to encourage and enhance community participation in the development of policy or the improvement of services;
- f. Question Members of the Cabinet and / or Committees and / or other Constitutional bodies and appropriate Officers about their proposed policies, decisions and performance;
- g. Make recommendations to the Cabinet and / or appropriate Committee and / or other constitutional bodies and / or Council arising from the outcome of the scrutiny process;
- h. Review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Scrutiny Board and local people about their activities and performance;
- i. Question and gather evidence from any person outside of the Authority (with their consent);
- j. Assist the Council and the Cabinet in the review of its budget and policies by in-depth analysis of policy issues;
- k. Liaise with other external organisations operating in the area, whether national, regional or local, to ensure that collaborative working enhances the interests of local people.

### **6.4 Annual Report**

An annual report will be provided to Council detailing the work undertaken by scrutiny during the preceding municipal year.

## **6.5 Work Programme**

Scrutiny boards will exercise overall responsibility for their work programmes.

## **6.6 Proceedings of Scrutiny Boards**

Scrutiny boards will conduct their proceedings in accordance with the Scrutiny Procedure Rules set out in Part 4 of this Constitution.

## **Part 3 - Responsibility for Functions**

### **2. TERMS OF REFERENCE**

#### **2.3 Scrutiny Terms of Reference**

##### **2.3.1 General**

2.3.1.1 Scrutiny Boards will have the following responsibilities:

- a. Holding the relevant members of the Council's executive to account.
- b. Monitoring the performance of public services, policies and partnerships.
- c. Contributing to corporate and partnership policy and strategy development.
- d. Conducting in depth inquiries into service and policy areas.
- e. Involving the public in service improvement and policy development.
- f. Considering the opinions of external inspectors.
- g. Making reports and recommendations to Council or Cabinet on the discharge of any functions of the authority as appropriate.
- h. To undertake reviews as directed by Council.
- i. Preparing and publishing a regular work plan.
- j. Contribute to an overall strategic work programme for scrutiny that will be reported regularly to Council.
- k. Observing the principles of effective scrutiny as set out in the Protocol for Scrutiny.

2.3.1.2 As well as responsibility for specific functions (see below), there are also a number of shared functions where the boards may undertake joint scrutiny including:

- a. The community strategy / single integrated plan.
- b. Swansea's Local Service Board.
- c. The Council budget.
- d. Central / corporate functions of the local authority.
- e. Groups and organisations with which the Council has formed links through grant funding, compacts, subscription or service level agreements.
- f. External bodies which are able to levy a statutory precept upon the Authority.
- g. The Treasury Management Strategy Statement, Annual Report, Mid Term Report and Quarterly Progress Reports.

## **2.3.2 Scrutiny Panels**

2.3.2.1 Each Board may establish Panels for the purpose of undertaking in depth inquiries or for looking at the performance of particular areas of service delivery.

2.3.2.2 Each Panel will be led by the chair of the Board.

2.3.2.3 The chair will be responsible for:

- a. Convening meetings of the relevant Panel
- b. Chairing meetings of the relevant Panel
- c. Ensuring that the Panel undertakes work to the specifications and timescales agreed by the parent board
- d. Reporting back to the parent Board with findings, conclusions and recommendations as appropriate

2.3.2.4 Councillors will be appointed to a Panel on the following basis:

- a. At least two political groups on the Council to be represented on the Panel.
- b. Councillors from the parent Board to be appointed to the Panel depending on the subject, councillors' experience and interests.
- c. If required, co-option of other Councillors to be agreed by the chair of the Board depending on the subject, councillors' experience and interests.

### **2.3.3 Scrutiny Programme Board**

2.3.3.1 The Council has appointed a Scrutiny Programme Board that will be responsible for coordinating the work of the Scrutiny Boards.

2.3.3.2 The Scrutiny Programme Board will be responsible for:

- a. Agreeing the scrutiny strategic work programme report for Council;
- b. Monitoring the delivery of the scrutiny strategic work programme;
- c. Preparing and agreeing the scrutiny annual report as required by Council;
- d. The Scrutiny Programme Board will be responsible for coordinating the following cross cutting issues as they relate to the work of the Scrutiny Boards:
  - The community strategy / single integrated plan
  - Swansea's Local Service Board
  - The Council budget
  - Promoting public participation
  - Swansea Voices and other relevant consultation mechanisms
- e. Dealing with business relating to regional / national scrutiny meetings (for example in relation to the Welsh Local Government Association or the Centre for Public Scrutiny);
- f. Considering reports relevant to the development and improvement of the Council's Scrutiny function;
- g. Dealing with consultation and implementation of national policy changes relevant to scrutiny;
- h. Preparing and publishing a regular work plan;
- i. Making reports and recommendations to Council, Cabinet or the Democratic Services Committee on the discharge of any functions of the authority as appropriate.



## **2.3.4 People Scrutiny Board**

### **2.3.4.1 Cabinet Portfolios**

The work of the Board will not be limited to any particular Cabinet portfolio(s). Invitations to attend meetings, reports, letters and recommendations will be directed to the relevant Cabinet Member(s) as each issue requires.

### **2.3.4.2 Service and Policy Areas**

Areas of responsibility include, but are not limited to, the following functions of the Council:

- a. All the functions of the Council in so far as they relate to provision of services for children and young people;
- b. All of the functions of the Council as a Social Services Authority under all relevant legislation;
- c. Adult social care services;
- d. Child and Family Services;
- e. All functions of the Council under the Children Act (1989 and 2004)
- f. Services for children in respect of social care and wellbeing;
- g. All functions of the council in terms of relevant education legislation
- h. Education services for children and young people in particular pre-school education, education in schools and education other than at school;
- i. Lifelong Learning;
- j. All of the Council's functions in relation to health, healthy living and well being;
- k. All functions of the Council in so far as they relate to the provision of services designed to tackle social exclusion and anti-poverty;
- l. All of the Council's functions in relation to disabilities.

## **2.3.5 Place Scrutiny Board**

### **2.3.5.1 Cabinet Portfolios**

The work of the Board will not be limited to any particular Cabinet portfolio(s). Invitations to attend meetings, reports, letters and recommendations will be directed to the relevant Cabinet Member(s) as each issue requires.

### **2.3.5.2 Service and Policy Areas**

Areas of responsibility include, but are not limited to, the following functions of the Council:

- a. All of the functions of the Environment department in so far as they are not covered by any other Board;
- b. Highways and the physical infrastructure of the Authority's area;
- c. Economic regeneration;
- d. Environmental Health and Trading Standards activities to enhance the quality of life for local people;
- e. The Authority's waste management strategy and services, including recycling;
- f. Streetscene and cleanliness;
- g. All of the functions of the Council as a Planning Authority under the Town and Country Planning Acts and all other relevant legislation including countryside, nature conservation and rights of way matters, in force from time to time;
- h. Leisure, arts, sport and recreational activities to enhance the quality of life for local people;
- i. The provision and management of museums, art galleries, theatres, archives and local history activities, libraries, leisure centres, swimming pools, parks and open spaces, allotments and other like facilities;
- j. Culture and the arts;
- k. Tourism and inward investment;
- l. Management and development of the City Centre of Swansea.
- m. Transport and Transportation Services inc Parking, Road Safety and Traffic Management.

## **2.3.6 Stronger and Safer Communities Scrutiny Board**

### **2.3.6.1 Cabinet Portfolios**

The work of the Board will not be limited to any particular Cabinet portfolio(s). Invitations to attend meetings, reports, letters and recommendations will be directed to the relevant Cabinet Member(s) as each issue requires.

### **2.3.6.2 Service and Policy Areas**

Areas of responsibility include, but are not limited to, the following functions of the Council:

- a. Acting as the Council's designated Crime and Disorder Committee for the purposes of the Police & Justice Act 2006;
- b. All of the functions of the Council as a Housing Authority under the Housing Acts and all other relevant legislation;
- c. Community safety;
- d. Initiatives that empower local people and actively engage communities in the delivery of services;
- e. Implementation of the Rights of Children and Young People Measure (2011);
- f. Initiatives designed to support young people not in employment, education or training;
- g. The provision of services for young people in particular the Youth Service, youth information, out of school activities and play;
- h. Youth citizenship;
- i. Community cohesion and diversity;
- j. Anti social behaviour;
- k. Community regeneration and recreation (including the provision and management of community centres), the delivery of the Communities First programme and the development of social enterprises.

## **Part 4 - Rules of Procedure**

### **10 SCRUTINY BOARDS PROCEDURE RULES**

#### **10.1 Appointment**

10.1.1 The Council will establish the scrutiny boards set out in Article 6 and will appoint Members to them at the First Annual Meeting of Council.

10.1.2 Each board, at its first meeting following the First Annual Meeting of Council, will elect a Chair and Vice Chair from amongst its Members.

#### **10.2 Membership**

10.2.1 No Member of the Executive may be a Member of a board.

10.2.2 Each board shall be entitled to co-opt non-voting Members for either a topic or a term up to the next Annual Meeting of Council.

10.2.3 The board(s) which has included its Terms of Reference responsibility for education matters shall include in its membership voting co-optees appointed in accordance with the Parent Governors Representatives and Church Representatives (Wales) Regulations 2001 and National Assembly for Wales Circular 2/00. If that board deals with matters which do not relate wholly or in part to any education functions then the co-opted Members shall not vote on those other matters though they may stay in the meeting and speak.

#### **10.3 Frequency of Meetings**

10.3.1 There shall be at least one meeting of each board in each municipal year. Scrutiny boards are scheduled to formally meet 4 weekly and the Scrutiny Programme Board is scheduled to meet 8 weekly.

10.3.2 Council will approve meetings of Council Bodies for the year.

10.3.3 Scrutiny boards at their first meeting of the municipal year (other than any following directly after the First Annual Meeting of Council or Annual Meeting of Council) have the right to alter the time of their meetings but not the day for the ensuing Municipal Year. Should the need arise to alter the time or day for a specific meeting beyond this, then the agreement of all Councillors sitting on the scrutiny board in question shall be obtained.

## **10.4 Scrutiny Process**

10.4.1 In practical terms the work of scrutiny follows four stages:

- a. Work planning to identify issues and decide how to examine them
- b. Gathering evidence through consultation and research
- c. Making recommendations to the Cabinet, to Council and to other decision making bodies
- d. Following up to check that agreed actions have been taken and an impact made

## **10.5. i) Work Planning**

10.5.1 The aims of work planning are:

- a. To identify issues of concern or ways in which scrutiny can contribute to the overall aims of the Council
- b. To agree which scrutiny activity is best suited to dealing with each issue
- c. To plan how work can be carried out within available resources and within reasonable timescales

10.5.2 Each board will be responsible for setting its own work plan within the framework of the Annual Work Programme as overseen by the Scrutiny Programme Board. It will take into account the wishes of Members on that scrutiny board who are not Members of the largest political group on the Council and anything referred to that body from Council. The boards will also consider any referrals from Cabinet, and Council.

10.5.3 At the beginning of the year each scrutiny board will agree an outline workplan for the year in consultation with the relevant senior officers and taking into account the views of the public and of partner agencies. As part of this process every Member of the Council will be surveyed to identify topics of public concern. The aim should be to identify significant topics that meet a genuine need or address a significant concern and where scrutiny can make a real difference.

10.5.4 The most recent version of the work plan will be reported to each meeting of the board for the purpose of reviewing its content, considering the inclusion of new items and planning ahead to the next meeting. This will also ensure that the work plan is publicly available.

10.5.5 Where a matter for consideration falls within the Terms of Reference of more than one board or no board then the decision as to which board will consider it will be resolved by consultation between the respective Chairs or Programme Board.

- 10.5.6 The work of scrutiny boards should be of genuine benefit to the Council and offer value for money. There should be no duplication, therefore, between scrutiny work programmes and the work of service units. To avoid duplication:
- a. The relevant director will ensure that the relevant scrutiny board is aware of any internal or external inspection or review that may overlap with its own work
  - b. The relevant scrutiny board may not duplicate existing inspections or reviews but may ask for briefings to be provided and / or for action plans to be reported to the board on a regular basis
  - c. The relevant scrutiny board may also undertake work that complements any review or inspection having first sought the advice of the relevant director

### **ii) Agenda Setting**

10.5.7 Individual agenda items, other than standing items, are to be determined in the first instance by the work plan agreed by the relevant board. Additional items may be added or planned items deferred, at the discretion of the chair.

10.5.8 Other than the usual standing items agendas should be limited to 1 or 2 substantial items wherever possible.

10.5.9 The primary purpose of scrutiny is to add value to the work of the Council. For this reason any items 'to note', in other words that do not require a specific response from the board, will be placed at the end of the agenda as 'For Information'. If possible these items should be circulated by email separately instead of being included on the agenda.

10.5.10 At the last meeting of each scrutiny board an annual review of the work plan will be considered. This will provide an opportunity for the work of the year to be evaluated and for possible future work plan items to be suggested. Information from the individual annual reviews will be fed into the Scrutiny Annual Report which is required to be reported to Council.

### **iii) In-depth Inquiries**

10.5.11 Scrutiny Boards are expected to carry out in-depth inquiries of service and policy areas. In-depth inquiries (also referred to as reviews) would be major pieces of work for the Boards, where scrutiny can make a real difference in addressing significant areas of concern.

10.5.12 These inquiries will contribute to service improvement and the development of policy / strategy through a planned programme

of evidence gathering (including community engagement) leading to reports with conclusions and recommendations to Cabinet and Council (and other bodies) as appropriate.

- 10.5.13 Scrutiny Panels (working as Task & Finish Groups) would normally be established to carry out the detailed work of inquiries, alongside scheduled Board activities. Panels would provide more flexibility for evidence gathering (e.g. interviewing witnesses, engaging service providers/users, looking at detailed information), undertaking research activities (e.g. community consultation, surveys, focus groups, visits), and planning the final reports. Panels would normally be made up of a smaller number of Board Members but can involve others as considered appropriate.
- 10.5.14 An in-depth inquiry would be expected to take up a significant amount of the Board's time and commitment (up to 6 months). For the planning of an in-depth inquiry a full scoping report will be produced which sets out all the details of how the inquiry will be undertaken. Stakeholder mapping will be undertaken as part of the preparation of this report to ensure the most effective evidence gathering process.

## **10.6 Gathering Evidence**

- 10.6.1 Boards will gather evidence in connection with any inquiry they undertake as part of their agreed work plan. The boards shall adopt methods of gathering evidence which, in the opinion of the board, best inform their deliberations. These include, but are not limited to, convening informal Panels, going on site visits, conducting public surveys, holding public meetings, commissioning research, hearing from witnesses and appointing advisors and assessors. The knowledge of Councillors is also a valuable source of evidence and should be considered as part of each inquiry.
- 10.6.2 The boards shall be entitled to pay the reasonable fees and/or expenses of any individual or organisation assisting it, with the exception of Officers or Members of the Authority.
- 10.6.3 Evidence gathering activity should not duplicate any other similar activity being undertaken by the authority or by other local agencies where the results can be made available for the inquiry in question.
- 10.6.4 A large part of evidence gathered will be through witnesses invited to give evidence directly to the board. Boards are entitled under s21 of the Local Government Act 2000 boards to require any Member of the Executive or any Senior Officer to attend before it to give account for any matter within their responsibility

or remit. In that event the board will be required to state the item, or nature of it, on which the Member or Officer is required to attend to give account and whether any papers are required to be produced.

- 10.6.5 Council officers presenting evidence to boards will normally be expected to be either the relevant Director or the Head of Service.
- 10.6.6 Where individuals are required to attend before the board / a panel, as in the case of Officers or Members, or invited to attend, as in the case of others, then the board / panel, and in particular the Chair, shall ensure that those assisting the board / panel, by giving evidence, are treated with courtesy and respect. Those attending should be briefed about the purpose of the meeting (including the line of questioning) and given adequate time to prepare. A witness guide explaining what to expect will be made available for anyone attending a scrutiny board or associated meeting.
- 10.6.7 Witnesses contributing evidence to the work of the boards will be provided with feedback about the outcome of the inquiry and other information about scrutiny as appropriate
- 10.6.8 For in-depth inquiries the evidence collected will be published in the form of a findings report so that it can be made available for other researchers.

## **10.7 Making Recommendations**

- 10.7.1 Once evidence has been collected, boards will develop conclusions and recommendations based on what they have found. Conclusions and recommendations can be presented as part of in-depth inquiry reports, board reports or Chair's Letters.

### **i) In-depth Inquiry Reports**

- 10.7.2 An in-depth inquiry will normally take a number of months, will be conducted according to an agreed scoping report and will have its findings shared publicly in a findings report.
- 10.7.3 At the end point of an in-depth inquiry, the scrutiny board will consider and agree the draft recommendations arising from this work. Recommendations will follow logically from conclusions which will be clearly evidenced by reference to the findings of the inquiry. Recommendations should not reflect unsupported personal opinion or political views. At this stage advice will be sought from the relevant officers about the legal and financial implications of draft recommendations. The Legal Officer will



also assist in defining which recommendations are to be considered by Cabinet and which require Council consideration.

- 10.7.4 Once the final draft has been agreed by the scrutiny board, the report will be published on the Council's website and submitted to the relevant Cabinet Member and scheduled to be presented to Cabinet.
- 10.7.5 If a board cannot agree on one single final report to the Executive then up to one minority report may be prepared and submitted for consideration with the majority report.
- 10.7.6 Reports from the scrutiny boards to the Executive shall be placed on the agenda of the first available meeting after being submitted to the Proper Officer. The Chair of the relevant scrutiny board will present the Report and accompanying recommendations to Cabinet. At this meeting the role of the Cabinet is simply to receive the report and to task the relevant Cabinet Member to prepare a written response on behalf of Cabinet.
- 10.7.7 The Cabinet Member's response report will be scheduled for a future Cabinet meeting no later than three months following the Cabinet meeting where the original scrutiny report was presented.
- 10.7.8 In their response report the Cabinet Member will recommend approval or rejection of each of the scrutiny recommendations together with an explanation. At this stage the Cabinet Member will also provide a proposed action plan to show what steps are being or will be taken to implement accepted recommendations. Cabinet will then make a decision on the Cabinet Member's response report, except where there are recommendations on matters that require Council approval (e.g. proposing policy change).

#### **ii) Board Reports**

- 10.7.9 Boards may also wish to make reports following short pieces of work or activities undertaken. Unlike in-depth inquiries they will not normally require a scoping report or a findings report. Board reports would also be expected following consideration of matters referred to scrutiny by Cabinet / Council (or other bodies).
- 10.7.10 Once evidence gathering has been completed, the scrutiny board will consider and agree their conclusions and draft recommendations. At this stage advice will be sought from the relevant officers about the legal and financial implications of draft recommendations. The Legal Officer will also assist in

defining which recommendations are to be considered by Cabinet and which require Council consideration.

10.7.11 Once the final draft has been agreed by the scrutiny board, the report will be published on the Council's website and submitted to the relevant Cabinet Member and scheduled to be presented to Cabinet. Reports from the scrutiny boards to the Executive shall be placed on the agenda of a relevant meeting within one month of it being submitted to the Proper Officer. The Chair of the relevant scrutiny board will present the report and accompanying recommendations to Cabinet.

10.7.12 The relevant Cabinet Member will receive the report on behalf of Cabinet and will respond to each of the recommendations individually at Cabinet either accepting or rejecting each one. The Cabinet Member will provide an explanation to the board of all recommendations that are rejected. The Cabinet Member will also inform the board what steps are being or will be taken to implement accepted recommendations. The Cabinet Member will take the whole report to Council where there are any recommendations proposing policy change.

### **iii) Chair's Letters**

10.7.13 Each board can also correspond directly with Cabinet Members in order to communicate their views. It is expected that a Chair's Letter will be produced detailing the conclusions and any recommendations arising from any board meeting that are not to be included in another report. This will enable boards to engage with Cabinet Members on a regular and structured basis.

10.7.14 Chair's letters provide an important benefit to the scrutiny process. They:

- a. Allow boards to formally raise concerns and make proposals to Cabinet Members
- b. Provide a mechanism for urgent concerns to be raised
- c. Clearly demonstrate what has been achieved by each board meeting

10.7.15 Chair's Letters are intended to be short summaries usually covering not more than one or two pages.

10.7.16 Chair's Letters are directed to the relevant Cabinet Member(s) in person. The Cabinet Member should respond in writing to the board within one month. This response should indicate whether the Cabinet Member has accepted the recommendation, whether the recommendation needs to be referred and what action (if any) they intend to take.

10.7.17 Chair's Letters may also be directed at other decision-makers as appropriate.

## **10.8 Following Up**

10.8.1 Once scrutiny boards have had recommendations accepted by Cabinet / Cabinet Members they are entitled to check progress and ensure that the desired impact has been achieved. This can happen in three ways:

### **i) In Depth Inquiries**

10.8.2 Once agreed by Cabinet, the Cabinet Member's response report and action plan will be provided the relevant scrutiny board for information at the earliest opportunity. The relevant board will then schedule to follow up on progress with the implementation of the action plan.

10.8.3 The Chair and the Scrutiny Officer of the relevant scrutiny board should ensure that a review of progress against accepted recommendations is scheduled into future Work Programmes and a progress report is brought to the board 6 months after the action plan has been agreed by Cabinet.

10.8.4 When presented with the first progress report the board may either:

- a. Agree that good progress has been made and that monitoring of the inquiry is closed or;
- b. Agree that adequate progress has been made and that the inquiry is closed whilst raising any specific issues of concern through a Chair's Letter or;
- c. Agree that insufficient progress has been made and require a second progress report in six months

10.8.5 The second progress report will be the final report and monitoring of the inquiry will be closed. However, the board may still:

- a. Agree that progress has been good
- b. Raise any concerns through a Chair's Letter
- c. Schedule further work through their usual work planning process

### **ii) Board Report**

10.8.6 For each board report the board can require either:

- a. A progress report be brought back to the board by the Cabinet Member within two months of the report being considered by Cabinet or;

- b. That the Cabinet Member reports back on progress as part of their scheduled reporting to the board

### **iii) Chair's Letter**

10.8.7 Each board will be responsible for monitoring progress in respect of agreed recommendations in Chair's Letters and raising further issues with the Cabinet Member as appropriate.

## **10.9 Board Meetings**

10.9.1 Robust scrutiny depends on effective questioning which in turn depends on effective preparation. The meetings of boards will therefore normally run as follows:

- a. Main agenda items will be confirmed at the previous meeting in line with the agreed work plan. At this point potential witnesses and broad themes should be considered, if not already discussed.
- b. Prior to each meeting all board members should be engaged in raising and discussing possible questions by email. The chair and vice chair of the board will facilitate this process.
- c. A pre meeting for all members of the board will be held e.g. 30 minutes immediately before the board meeting. The purpose is to ensure that Members are fully prepared for the board meeting and that the questioning strategy is clear.
- d. During the board meeting the chair will be responsible for ensuring that questioning is effective and that the board achieves its aims.
- e. Immediately following the meeting a post meeting will be held for the members of the board. The purpose is to confirm conclusions and any recommendations arising from the meeting. These conclusions and recommendations will be reported to the relevant cabinet member(s) in the form of a Chair's Letter. The post meeting should also be used to review the effectiveness of the meeting and identify ways that future meetings could be improved.

10.9.1.1 Reports on policy and service issues should normally be presented to the board in the name of the Cabinet Member.

10.9.2 To support liaison between the boards and the executive there will be a regular item on the agenda of each scrutiny board meeting for 'Cabinet Member Questions & Responses'. This will be in addition to Cabinet Members attending Board meetings for specific purposes.

For this item:

- a. The relevant Cabinet Member(s) will be expected to present a short report highlighting to the board any relevant developments in respect of their portfolio and relevant to the board's terms of reference
- b. The Cabinet Member(s) short report should normally be provided in time to be circulated with the agenda although, as this may not always be possible, the report can be provided verbally
- c. Time will then be made available for board members to ask questions of the Cabinet member. This exercise is intended to be primarily for general information sharing and not detailed scrutiny. It should therefore, at the discretion of the Chair, be conducted in that spirit. As a guide around 10 minutes should be enough time for questions.
- d. If the board wishes to conduct more detailed scrutiny of any of the issues raised during this item then this should be agreed through the normal work planning process and placed on the agenda of a future meeting. This will also allow proper time for preparation.

## **10.10 Pre-decision Scrutiny**

- 10.10.1 Pre-decision scrutiny gives scrutiny boards the opportunity to influence Cabinet decision-making, as a 'critical friend'.
- 10.10.2 During the course of each municipal year a quarterly schedule of Cabinet business is published within the Council's Forward Work Programme. Scrutiny boards can identify proposed decisions within the Forward Work Programme and ask for arrangements to be made for the scrutiny board to discuss the Cabinet report ahead of Cabinet decision. The views of the scrutiny board are formally presented (either in a written report or verbally by the scrutiny Chair) to the Cabinet meeting for the Cabinet to consider and inform its decision-making.
- 10.10.3 Pre-decision scrutiny is only one of a variety of activities that scrutiny boards may be involved in and will need to be managed within an overall programme of work. Additional Board meetings may need to be arranged in order to fit in to the proposed decision-making timetable.
- 10.10.4 The Council's Scrutiny Unit should be contacted for advice about the process that should be followed for requests for pre-decision scrutiny.

## **10.11 Cross Party Working**

- 10.11.1 Scrutiny is a cross party activity and should not be used for party political purposes or be subject to party whipping arrangements. At the beginning of every Board meeting each Member must

declare any party whip which the member has been given in relation to the meeting.

**10.12 Joint Meetings**

10.12.1 Boards may also convene joint meetings with other scrutiny boards.

**10.13 Scrutiny Protocol / Scrutiny Handbook**

10.13.1 The City and County of Swansea Scrutiny Protocol is made up of a number of elements contained within the Council Constitution. These should be read as the Scrutiny Protocol along with supporting documents as the Scrutiny Handbook.

10.13.2 The individual elements of this Council Constitution are within:

- a. **Part 1**  
Summary and Explanation
- b. **Part 2**  
Article 6 – Scrutiny Boards
- c. **Part 3**  
Terms of Reference
- d. **Part 4**  
Scrutiny Board Procedure Rules
- e. **Part 5**  
Protocol on Officer / Councillor Relations;  
Protocol for Councillors and Officers Attending and Participating in Scrutiny Boards
- f. **Part 6**  
Councillors' Allowances Scheme.

## **Part 5 – Codes & Protocols**

### **8. OFFICER/COUNCILLOR RELATIONS PROTOCOL**

#### **8.6 The Relationship: Officer Support: Scrutiny**

8.6.1 It is not scrutiny's role to act as a disciplinary tribunal in relation to the actions of Members or Officers. Neither is it the role of Officers to become involved in what would amount to disciplinary investigations on a Panel's behalf. This is the Chief Executive's function alone in relation to staff, the Monitoring Officer's and the Standards and Governance Committee as regards the conduct of Members. This means:

- a. Scrutiny's questioning should *not* be directed to the conduct of individuals, not in the sense of establishing the facts about what occurred in the making of decisions or implementing of Council policies, but with the *implication* of allocating criticism or blame;
- b. In these circumstances, it is for the Chief Executive to institute a formal enquiry, and scrutiny may ask (but not require) him to do so.

8.6.2 Scrutiny should not act as a 'court of appeal' against decisions or to pursue complaints by individuals (Councillors, Officers or members of the public) as other Procedures exist for this. These are internal, e.g. the Corporate Complaints Procedure and external/statutory, e.g. Public Services Ombudsman for Wales or appeal to the Courts. That said,

- a. Scrutiny may investigate the manner in which decisions are made but should not pass judgements on the merits of a decision in individual cases;
- b. they can comment, however, on the merits of a particular policy affecting individuals

8.6.3 It would be unfair to invite someone to appear before scrutiny without telling them in general terms what they will be asked, or not giving them adequate time to prepare. Scrutiny ought to provide written questions (or indicative topics) beforehand. In addition, speakers ought to be told the general line that further questioning is likely to take. Questioning should not stray outside the subject area that the Board / Panel had previously indicated.

8.6.4 The Scrutiny Handbook contains guidelines as to the Procedure at Evidence Meetings, and guidance for Members and Officers.

#### **8.7 Protocol for Councillors and Officers Attending and Participating in Scrutiny Boards**

8.7.1 The purpose of scrutiny is to review Council policy and service delivery while taking into account the performance of the authority. In doing so,

it is expected that scrutiny members will make constructive recommendations to Council that are based on factual findings.

8.7.2 Scrutiny is not about fostering a blame culture or assigning unfair criticism. To be effective, it must have the ability to work in an environment that supports the principles of service improvement. To assist this approach, it is considered necessary that scrutiny members should:

- a. undertake their roles with due diligence and satisfy themselves that all pertinent issues are covered;
- b. be able to consider themselves unfettered by party political discipline;
- c. use the powers of scrutiny properly and behave in a manner that reflects the trust placed in them by electors;
- d. not permit personal agendas or differences in political complexion to obscure an effective scrutiny process;
- e. refrain from public and personal criticism of other members or officers.
- f. Cabinet Members and Officers should:
- g. Ensure their availability to attend scrutiny boards as requested;
- h. Co-operate with scrutiny boards in arriving at conclusions to their investigations;
- i. Provide all necessary information that will assist in the effectiveness of the scrutiny process.



## **Part 6 - Councillors' Allowances Scheme**

### **8. SCRUTINY CHAIR ROLE DESCRIPTION**

#### **8.1 Accountabilities**

8.1.1 Full Council.

8.1.2 The Public.

8.1.3 External Regulatory Bodies

#### **8.2 Role purpose & activity**

##### **8.2.1 Providing leadership and direction**

8.2.1.1 To provide confident and effective management of the member team.

8.2.1.2 To promote the role of scrutiny within and outside the council, liaising effectively both internally within the Council and externally with the Council's partners.

8.2.1.3 To develop a balanced work programme of the board/committee which includes pre decision scrutiny, policy development and review, investigative scrutiny, and performance monitoring.

8.2.1.4 To ensure the programme takes account of relevant factors such as: the work programmes of the executive and other committees, strategic priorities and risks, and relevant community issues.

8.2.1.5 To demonstrate an objective and evidence based approach to scrutiny and lead the board to identify conclusions and recommendations accordingly.

8.2.1.6 To evaluate the impact and added value of scrutiny activity and identify areas for improvement.

8.2.1.7 To promote cross party working.

8.2.1.8 To keep in the vice chair fully involved and informed to ensure they are able to cover the chair's role as required

##### **8.2.2 Managing the work programme**

8.2.2.1 To ensure that the work programme is delivered.

8.2.2.2 To report on progress against the work programme to Council, and others as appropriate.

8.2.2.3 To liaise with officers, other members and community representatives to resource and deliver the work programme.

### **8.2.3 Effective meeting management**

8.2.3.1 To set agendas containing clear objectives and outcomes for the meeting.

8.2.3.2 To manage the progress of business at meetings, ensuring that meeting objectives are met, and the code of conduct, standing orders and other constitutional requirements are adhered to.

8.2.3.3 To ensure that the necessary preparation is done beforehand.

8.2.3.4 To ensure that all participants have an opportunity to make an appropriate contribution

### **8.2.4 Community leadership**

8.2.4.1 To act as a focus for liaison between the council, community and external bodies in relation to the overview & scrutiny function.

8.2.4.2 To build understanding and ownership of the overview & scrutiny function within the community.

8.2.4.3 To identify relevant community based issues for scrutiny.

8.2.4.4 To involve fully external stakeholders for example, service users expert witnesses and partners in scrutiny activity.

### **8.2.5 Involvement and development of board/committee members**

8.2.5.1 To encourage high performance from all board/committee members in both board/committee and task and finish groups.

8.2.5.2 To assess individual and collective performance within the board/committee and facilitate appropriate development.

## **8.3 Values**

### **8.3.1 To be committed to the values of the Council and the following values in public office:**

- a. Openness and transparency;
- b. Honesty and integrity;
- c. Tolerance and respect;
- d. Equality and fairness;
- e. Appreciation of cultural difference;
- f. Sustainability

## **9. SCRUTINY VICE CHAIR ROLE DESCRIPTION**

### **9.1 Accountabilities**

9.1.1 Full Council.

9.1.2 The Public.

9.1.3 External Regulatory Bodies.

### **9.2 Role purpose & activity**

#### **9.2.1 To support the leadership role of the scrutiny chair**

9.2.1.1 To support the chair to provide confident and effective management of the member team.

9.2.1.2 To directly support the chair to plan and manage agendas, pre meetings, main meetings and post meetings/

9.2.1.3 To work alongside the chair to promote the role of scrutiny within and outside the Council, liaising effectively both internally within the council and externally with the Council's partners.

9.2.1.4 To advise the chair on the development of a balanced work programme that takes account of all relevant factors.

9.2.1.5 To demonstrate an objective and evidence based approach to scrutiny and contribute to the identification of conclusions and recommendations accordingly.

9.2.1.6 To support the evaluation of the impact and added value of scrutiny activity and the identification of areas for improvement.

9.2.1.7 To promote cross party working.

9.2.1.8 To maintain a high level of awareness of all issues relevant to the board to be able to cover for the chair.

#### **9.2.2 To cover the role of the chair in the chair's absence**

This includes:

9.2.2.1 Managing the work programme, reporting to Cabinet and Council and liaising with relevant stakeholders.

9.2.2.2 Managing meetings including agenda setting, preparation and managing business during meetings.

9.2.2.3 Community leadership such as liaising with community and external bodies, identifying relevant community based issues and involving external stakeholders.

9.2.2.4 Supporting the involvement and development of board/committee members

### **9.2.3 Leading specific activities as required by the board**

This can include, but is not limited to:

9.2.3.1 Leading a specific review or inquiry.

9.2.3.2 Chairing task and finish groups.

9.2.3.3 Reporting to the board on the outcomes of activities.

## **9.3 Values**

### **9.3.1 To be committed to the values of the Council and the following values in public office:**

- a. Openness and transparency;
- b. Honesty and integrity;
- c. Tolerance and respect;
- d. Equality and fairness;
- e. Appreciation of cultural difference;
- f. Sustainability

## **10 SCRUTINY MEMBER ROLE DESCRIPTION**

### **10.1 Accountabilities**

10.1.1 Chair of the appropriate Scrutiny Board.

10.1.2 Full Council.

10.1.3 The public.

10.1.4 External Regulatory Bodies.

### **10.2 Role purpose & activity**

10.2.1 To participate fully in the activities of scrutiny, delivery of work programmes and any associated task and finish groups.

### **10.3 Reviewing and developing policy**

10.3.1 To assist in the creation, development, improvement and refinement of council policy.

10.3.2 To challenge policies on a sound basis of evidence for example against legislation or local political priority.

10.3.3 To assess impact of existing policy

### **10.4 Monitoring performance and service delivery**

10.4.1 To monitor the performance of internal and external providers against standards and targets.

10.4.2 To contribute to the identification and mitigation of risk.

10.4.3 To investigate and address the causes of poor performance

### **10.5 Promoting the work of scrutiny**

10.5.1 To promote the role of scrutiny within and outside the council, developing effective internal and external relationships.

10.5.2 To demonstrate an objective and evidence based approach to scrutiny.

10.5.3 To add value to the decision making and service provision of the authority through effective scrutiny

## **10.6 Community leadership**

- 10.6.1 To use scrutiny as a means to address community issues and engage the public.
- 10.6.2 To encourage stakeholders to participate in the work of the authority.
- 10.6.3 To develop locally viable and acceptable policy solutions.
- 10.6.4 To build a dialogue around priorities, objectives and performance, among communities and stakeholders.

## **10.7 Meeting participation**

- 10.7.1 To make adequate and appropriate preparation for meetings through research and briefings.
- 10.7.2 To participate in a proactive, informed and effective manner taking account of the Code of Conduct, Standing Orders and other constitutional requirements.

## **10.8 Values**

### **10.8.1 To be committed to the values of the Council and the following values in public office:**

- a. Openness and transparency;
- b. Honesty and integrity;
- c. Tolerance and respect;
- d. Equality and fairness;
- e. Appreciation of cultural difference;
- f. Sustainability

## **19 SCRUTINY CHAIR & VICE CHAIR PERSON SPECIFICATION**

### **19.1 To fulfil his or her role laid out in the role description an effective Scrutiny Chair requires:**

#### **19.1.1 Providing leadership and direction**

- a. Understanding of council role and functions.
- b. Understanding of role of scrutiny, terms of reference for the board, role of chair, and other aspects of the democratic arrangements.
- c. Understanding of member support functions.
- d. Understanding of council priorities and risks.
- e. Ability to develop work programmes.
- f. Understanding of community issues.
- g. Objectivity.
- h. Negotiation and consensus building.
- i. Ability to build constructive and 'critical friend' relationships with the Executive.

#### **19.1.2 Managing the work programme**

- a. Ability to manage projects and resources
- b. Ability to manage people
- c. Ability to prioritise
- d. Ability to report progress to different groups in different styles

#### **19.1.3 Effective meeting management**

- a. Understanding and application of meeting protocols, code of conduct, standing orders and other constitutional requirements.
- b. Ability to chair meetings effectively, managing the agenda and progressing business.
- c. Ability to facilitate effective discussions.
- d. Ability to listen and question effectively.

#### **19.1.4 Community leadership**

- a. An understanding of the community leadership role.
- b. Knowledge of local issues and expectations.
- c. Ability to work effectively with all members of the community and build understanding and ownership of scrutiny.
- d. Knowledge of the individuals and organisations in the community especially those traditionally excluded.

### **19.1.5 Involving and developing of committee members**

- a. Understanding of role and skills of the scrutiny committee and its individuals.
- b. Ability to support members and the committee in assessing their performance.
- c. Ability to identify any training and development needs and procuring appropriate learning and development.



## **20 SCRUTINY MEMBER PERSON SPECIFICATION**

**20.1 To fulfil his or her role as laid out in the role description, an effective scrutiny member requires:**

### **20.1.1 Participating fully in the activities of the overview & scrutiny function**

- a. Full understanding of the overview & scrutiny remit and role, and terms of reference for their own committee and others.
- b. Understanding of member support functions.
- c. To work within the guidance of the chair.

### **20.1.2 Reviewing and developing policy**

- a. Knowledge of and ability to evaluate existing policy.
- b. Understanding of best practice.
- c. Understanding of national and local legislative and policy context.

### **20.1.3 Monitoring performance and service delivery**

- a. Understanding of the Local Government (Wales) Measure 2009 and associated risk assessment arrangements.
- b. Understanding of the principles and practice of performance management.
- c. Understanding of council's performance management arrangements.
- d. Ability to analyse data and challenge performance.

### **20.1.4 Promoting the work of scrutiny**

- a. Ability to negotiate and build consensus.
- b. Ability to act objectively and on the basis of evidence.

### **20.1.5 Community leadership**

- a. An understanding of the community leadership role.
- b. Knowledge of local issues and expectations.
- c. Ability to work effectively with all members of the community and build understanding and ownership of scrutiny.
- d. Knowledge of the individuals and organisations in the community especially those traditionally excluded.

### **20.1.6 Meeting participation**

- a. Ability to interpret information and data from a range of sources.
- b. Understanding and application of meeting protocols, code of conduct, standing orders and other constitutional requirements.
- c. Ability to participate in meetings including effective listening, questioning and speaking.