“Effective scrutiny is essential for good governance” “Scrutiny works best where the administration has the confidence in themselves to be scrutinised” “The executive has to be open for criticism and working together” “Always gather evidence from a wide range of sources and opinions” “Always base recommendations on evidence rather than personal views” “Good scrutiny reflects the voice and concerns of the public and its communities” “The overview and scrutiny function can, at its best, provide a way in which councillors can stop being the representative of the council and start being representatives of the people” “Need Chairmen to be totally independent of the executive, even if from majority party” “Effective scrutiny is the lynchpin of the new political arrangements. If scrutiny isn’t working this poses a significant threat to the success of democratic renewal” “Overview and scrutiny is potentially the most exciting and powerful element of the entire local government modernisation process. It places Members at the heart of policy-making and at the heart of the way in which councils respond to the demands of modernisation” “Workload planning should be coordinated with a clear link to corporate processes, dovetailing the work of scrutiny with policy development and decision-making cycles to maximise influence” “An overview and scrutiny report that is well argued, evidence-based and unanimously agreed by the panel is difficult for the executive to dismiss” “Effective scrutiny acts as a critical friend”
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Introduction

This handbook is intended to provide councillors and officers with easily accessible advice, guidance and practical steps on how to achieve successful scrutiny. It is based on experience of scrutiny in Merton, best practice research and examples from other local authorities.

It includes information on how to conduct effective scrutiny, including the selection of topics, managing the work programme and carrying out in-depth reviews. There are sections containing guidance for councillors and officers on their respective roles, as well as a section on public involvement in scrutiny.

This edition of the handbook incorporates the recommendations of the 2009 review of scrutiny, endorsed at a meeting of Council on 24 March 2010. The review was carried out by a task group of councillors and included an independent evaluation carried out by Professor Steve Leach of De Montfort University.

The review report highlighted the strengths of the scrutiny function at Merton, considered by Professor Leach to be among the best in the country. Weaker areas were addressed and many of the report's recommendations were aimed at addressing these - including improved agenda management, a more strategic approach to selecting topics for scrutiny, and clearer communication with the council's Cabinet.

The web-based edition of this guide includes hyperlinks to the Council's website and relevant external websites.

If you require further information about this handbook or the overview and scrutiny function at London Borough of Merton please contact us: -

Scrutiny Team
Democracy Services
Corporate Services Department
Merton Civic Centre
London Road
Morden
SM4 5DX

Telephone: 020 8545 3864

E-mail: scrutiny@merton.gov.uk

Website: www.merton.gov.uk/council/scrutiny
Overview and scrutiny – the legal framework

Overview and scrutiny was introduced by the Local Government Act 2000, as part of the modernisation of local government. Councils were required to implement a new, more streamlined structure for decision-making. At most Councils this resulted in the creation of a Cabinet (or Executive) of up to 10 councillors, responsible for taking the day-to-day decisions on running the authority within the budget and policy framework agreed by the full Council. The majority of councillors were given the new role of overview and scrutiny, which was designed to act as a check and balance, holding the Cabinet to account and contributing to policy development.

Scrutiny work is focussed around its four main roles:

- holding the Cabinet to account
- policy development and review
- external scrutiny, including health scrutiny - investigating issues affecting the wider community
- performance review and monitoring to ensure continuous improvement

Scrutiny also provides opportunities for community involvement and democratic accountability. Engagement with service users and with the general public can help to improve the quality, legitimacy and long-term viability of recommendations made by scrutiny bodies.

All Overview and Scrutiny Commission and Panel meetings are open to the public unless confidential matters are being discussed.

External scrutiny

Scrutiny bodies may undertake external scrutiny of other organisations that provide local services. External scrutiny is an area in which real value can be added, enabling scrutiny to explore issues of public concern and take the lead on behalf of the community.

Scrutiny has had specific powers (described in subsequent sections) relating to the health services since 2001 and to crime and disorder since 2006.

The Local Government and Public Involvement in Health Act 2007 extended the local authority’s power to scrutinise other public service providers. These powers enable scrutiny bodies to require the Council’s Local Area Agreement partners to provide information to scrutiny and to “have regard to” scrutiny recommendations relating to local improvement targets.

The Local Democracy Economic Development and Construction Act 2009 included provision for two or more authorities to appoint joint overview and scrutiny committees, the nature and scope of which is no longer limited to issues relating to LAA targets.
Merton has developed an External Scrutiny Protocol
to ensure that all partners have a common understanding of the aims of scrutiny as well as the roles and responsibilities involved. The protocol was developed in consultation with councillors, senior officers and both statutory and non-statutory partner organisations. The protocol outlines:

- the requirements for partner organisations to provide information to scrutiny,
- notice of required attendance and submission of written reports,
- the style and conduct of meetings,
- how partners will respond and ‘have regard to’ scrutiny recommendations
- a process to resolve conflict, if needed.

The protocol forms part of the council’s constitution: http://www.merton.gov.uk/democratic_services/w-agendas/w-constitution/22.pdf

Health scrutiny

The Health and Social Care Act 2001 gave local authorities the power to “review and scrutinise matters relating to the health service in the local authority’s area, and to make reports and recommendations on such matters”. In Merton, the power to do this lies with the Healthier Communities and Older People Overview and Scrutiny Panel.

The Healthier Communities and Older People Overview and Scrutiny Panel has the power to summon officers of health trusts to meetings and to require information from NHS bodies on the planning and provision of health services. It can also initiate reviews on any topic that affects the health and well being of local residents.

NHS bodies must consult the Health Panel on any substantial variations of service provision. If there is a substantial variation in service which affects more than one local authority, the authorities must set up a joint scrutiny committee. The Health Panel has the power to refer contested NHS proposals to the Secretary of State.

In order for health scrutiny to be effective, it is vital that all partners are engaged in the process and share a common understanding of its aims. Health partners have therefore signed up to a protocol that sets out their operational commitments and strategic responsibilities in respect to health scrutiny.

Scrutiny of crime and disorder

The Police and Justice Act 2006 requires every Council to have a scrutiny committee with the power to review or scrutinise decisions made, or other action taken by the Council and the other responsible authorities in the exercise of their crime and disorder functions. The other responsible authorities are the police, the police authority (Metropolitan Police Authority), the fire and rescue authority and the Primary Care Trust.
In Merton the responsible committee is the Overview and Scrutiny Commission. Under the 2006 Act, the responsible committee is required to “meet to review or scrutinise decisions made, or action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions, no less than once every twelve months”. In doing so, it may require the attendance of officers from the Council, the police and co-operating authorities.
Overview and Scrutiny in Merton

Merton Council has an Overview and Scrutiny Commission, which acts as a coordinating body supporting three Overview and Scrutiny Panels with individual areas of responsibility:

- Children and Young People
- Healthier Communities and Older People
- Sustainable Communities

The policy areas covered by each are shown in the table overleaf.

Full terms of reference for the scrutiny committees are set out in part 4E of the Council’s constitution:
http://www.merton.gov.uk/democratic_services/w-agendas/w-constitution/22.pdf

Commission and Panel meetings take place throughout the year and members of the public are welcome to attend. Dates, agendas and minutes for these meetings can be found on the council website:
http://www.merton.gov.uk/council/decision-making/committee.htm

The Commission and Panels also set up time limited task groups with specific terms of reference in order to carry out in-depth investigations. Details of current task group activities and reports of completed scrutiny reviews are published on the council website:
http://www.merton.gov.uk/scrutiny

The Overview and Scrutiny Commission is required by the Council’s constitution to produce and present to full Council an annual report outlining the work of the overview and scrutiny function over the course of the municipal year. These reports are published on the council’s website.
http://www.merton.gov.uk/council/scrutiny/scrutinypublications.htm#annualreport
Policy areas covered by the Overview and Scrutiny Commission and the Panels

| Overview and Scrutiny Commission | • formal crime & disorder scrutiny  
|                                 | • safer communities: the role of the Crime and Disorder Reduction Partnership, safer neighbourhood teams, anti-social behaviour, drugs & alcohol treatment, domestic violence and road safety  
|                                 | • stronger communities: community leadership, voluntary & community sector, public involvement & consultation; community cohesion, service delivery diversity & equalities  
|                                 | • cross-cutting & strategic matters, inc. scrutiny of the budget & business plan and the approach to partnership arrangements  
|                                 | • corporate capacity issues – communications, legal, human resources, IT, customer service  
|                                 | • the performance monitoring framework  
|                                 | • financial monitoring  
|                                 | • responsibility for keeping scrutiny under review  

| Children and Young People Overview and Scrutiny Panel | • Children’s social care, including child protection  
|                                                     | • Education, including school standards, special educational needs, the extended schools programme and the healthy schools initiative  
|                                                     | • Youth services and youth engagement including the Youth Parliament, young people ‘Not in Education, Employment or Training’  
|                                                     | • Youth offending  
|                                                     | • Children’s Centres  
|                                                     | • The Children’s Trust  

| Healthier Communities and Older People Overview and Scrutiny Panel | • formal health scrutiny, including discharging the Council’s responsibilities in respect of the Health and Social Care Act 2001  
|                                                                  | • health, including promoting good health and healthy lifestyles, mental health and reducing health inequalities  
|                                                                  | • community care (adult social care and older people’s social care)  
|                                                                  | • active aging  
|                                                                  | • access to care and health services  

| Sustainable Communities Overview and Scrutiny Panel | • housing, including housing need, affordable housing and private sector housing  
|                                                    | • environmental sustainability, including energy, waste management, parks & open spaces and the built environment  
|                                                    | • culture, including tourism, museums, arts, sports & leisure  
|                                                    | • enterprise and skills, including regeneration, employment, adult education & libraries  
|                                                    | • transport  

Guidance for councillors

Ways of working
Scrutiny provides councillors with an opportunity to question Cabinet Members, officers and others in order to gain knowledge around an issue and make effective, evidence-based recommendations. It also provides the opportunity for scrutiny members to represent the views of their local constituents and to provide community leadership.

The principles of effective scrutiny, drawn from experience in Merton and elsewhere, are that scrutiny should aspire to be:

- **Member-led**
  This means that each scrutiny committee determines its own work programme and decides what evidence to seek. Members take an active role in the scrutiny process, for example by going on visits and taking part in consultation activities with service users, residents and local organisations.

- **Consensual**
  Effective scrutiny bodies work towards developing a non-party political, consensus-based view of the service or issue under consideration, focussed on the needs of service users and residents.

- **Evidence based**
  Scrutiny bodies take evidence from a wide and balanced range of sources in order to enable them to develop a rounded view of the service or issue under consideration. Recommendations made by scrutiny bodies should be firmly supported through the evidence received.

- **Relatively informal**
  Scrutiny bodies should aim to be less formal than other council committees, creating an atmosphere that fosters challenging discussion with officers and other witnesses. It is particularly important to put invited witnesses (including members of the public) at ease in order to help them share their views with the scrutiny body.

Members’ interests
Councillors are expected to make a declaration of any interest that is known to them at the start of the meeting in the usual way. However, such an interest may become apparent during the meeting as evidence is given so councillors are expected to remain alert to the potential for conflicts of interest throughout the meeting. If such a conflict becomes evident, councillors are expected to declare it and say whether it is an interest that is personal or prejudicial. Guidance on making declarations of interest at meetings is on the Council’s website:


and

http://www.merton.gov.uk/democratic_services/w-webdocuments/w-sfe_guidance_on_cc.pdf
Councillors are also asked to bear in mind that one of the fundamental principles of scrutiny is the separation of the executive and scrutiny function so that councillors should not be involved in scrutinising a decision that they have made or are about to make. This applies to any councillors working with a Cabinet Member in an advisory capacity. It also applies to members of decision making bodies such as the board of Merton Priory Homes.
Roles – scrutiny members

Members of scrutiny panels have a collective and individual responsibility for ensuring that scrutiny is Member led. This includes:

- reading agenda reports and task group papers in advance
- asking relevant and timely questions at meetings
- participating in activities that the panel has agreed to pursue outside of its formal meetings.

Activities outside of formal meetings may include:

- becoming an active member of a time-limited task group (see p17)
- becoming a performance management or budget lead for the panel – to research these issues between meetings and lead discussion at the meeting
- visits to services in Merton and elsewhere
- meeting with members of the public and other stakeholders to hear their views
- taking part in training and development events.

These activities may be undertaken in order to deepen understanding of the services that are being scrutinised. It is expected that these activities will be undertaken by small groups of members, with the support of the Scrutiny Officer, and will be reported back to the next available meeting of the panel or task group in order to share findings.

Training and development needs are identified by the Commission, Panels and individual members (and then provided via the scrutiny team) in relation to the skills required for effective scrutiny such as:

- questioning skills
- chairing scrutiny meeting
- effective budget scrutiny
- evaluating performance data

Councillor Call for Action

The Local Government and Public Involvement in Health Act 2007 introduced a mechanism known as Councillor Call for Action, which is designed to strengthen the hand of local councillors in dealing with persistent local problems that cannot easily be resolved. The Police and Justice Act 2006 introduced a similar mechanism in relation to crime and disorder issues.

The Councillor Call for Action is designed as a “long stop”, to be used when all other attempts at resolution have failed. It is not designed to provide an immediate solution, but high-profile public discussion of an issue through CCfA. It offers a chance to bring a pressing issue to a wider audience and to discuss such issues in an independent, neutral forum.

Local councils can specify how the Councillor Call for Action will work in their authority. In Merton, the councillor would approach the relevant Panel or Commission chair to request that a Councillor Call for Action be considered by that Panel. The councillor would be asked to provide information about the problem, what had been done to try to resolve it and what s/he hoped to achieve.
The chair would decide whether a Councillor Call for Action was the most appropriate way to deal with the matter in question. The chair would need to be satisfied that the issue is a persistent local problem and that the councillors had done all they could to resolve the issue through other mechanisms.

The Councillor Call for Action would then be heard either at a scheduled meeting or special meeting of the Panel or through a task group review. It is expected that all stakeholders would be invited to participate so that a wide range of views could be heard. The Panel would deliberate, reach conclusions and may make recommendations to the Council’s Cabinet or other relevant service providers.

Merton’s first Councillor Call for Action, on Travellers in Mitcham, featured as a case study in a publication by the Centre for Public Scrutiny:

Local residents contacted their ward councillors in order to express concern about a Travellers’ encampment on Mitcham Common. The ward councillors responded by holding discussions with council officers and with the police. Although these discussions resulted in an understanding of what had happened and the decisions taken by the Police and the Council, the councillors and local residents remained unhappy about the actions taken.

A formal request was made by one of the ward councillors to the Overview and Scrutiny Commission. The Commission responded by agreeing to hold a special meeting on the issue.

There were a large number of stakeholders. The council itself had obligations around enforcement (given that the issues related to council land), as well as obligations around the care, health, housing and education needs of those in the encampment. It was felt that these differing obligations could lead to a potential conflict. The police were also involved in relation to decisions made about the use (or otherwise) of their powers to move the Travellers on.

The process, and the general process underlying CCfA in Merton at the time, was typified by conversations and agreement between the various different parties and agencies involved rather than an “agreed protocol” or a defined methodology for pursuing CCfA matters.

Before the committee met, some action had already been taken to try to map out potential solutions, and the Commission was provided with a written pack of information to inform its discussion.

The session was designed to allow the various interested parties to state their views in turn. The process followed, the content of the discussion and the Commission’s findings are set out in a reference to Merton’s Cabinet: http://www.merton.gov.uk/democratic_services/ds-agendas/ds-fpreports/854.pdf

The meeting resulted in specific recommendations being made to strengthen the protocol for multi-agency working and a commitment to review the redrafted protocol in April 2010. Much of the discussion, and the recommendations, related to communication with residents – one of councillors’ principal concerns was the way in which the council had communicated with local people while the encampment was in place.

http://www.cfps.org.uk/what-we-do/publications/cfps-general/?id=116
Roles – scrutiny chairs

In order to encourage shared ownership of the overview and scrutiny function, Chair positions are allocated among the political groups on a proportional basis. Each Chair’s corresponding Vice-Chair should be a member of a different political group and the two should work together collaboratively to promote an effective scrutiny function.

Good chairing can contribute greatly to the overall success of scrutiny. The Chair is ultimately responsible for:

- providing leadership and direction for the scrutiny panel or task group
- ensuring that the panel or task group works efficiently and effectively
- ensuring that the panel or task group remains within its terms of reference
- making the best use of resources, particularly of time available
- promoting scrutiny both within the organisation and externally, representing the Council at networks and events.

Leadership

The Chair should encourage all scrutiny members to take a full part in the work of the panel and associated task groups, including taking part in any agreed work outside of the formal meetings (e.g. site visits, meeting community groups).

The Chair should set the tone of the meeting, helping to ensure that scrutiny does not become confrontational with those giving evidence. Scrutiny reports and recommendations hold more weight if agreed by the whole panel. It is therefore important for the Chair to try to achieve a consensus view whenever possible.

The Chair is responsible for developing constructive relationships with the appropriate Cabinet Member(s) and with senior officers in the services being scrutinised.

The Chair is also responsible for presenting recommendations from the panel to the appropriate body or person (e.g. Cabinet, Council, NHS Trust Board) and for ensuring that implementation of the recommendations is monitored by the scrutiny panel.

Task group reports will normally be presented to the Panel and to Cabinet by the Chair of the task group, unless another representative is nominated.

Planning

Before each panel meeting, the Chair will be asked to approve an outline agenda and to comment on the running order. The running order may be determined by the issue(s) under discussion or by the needs of the witnesses.

It is a good idea to check that the agenda is not too long and to have an approximate timing plan for the items.

Witnesses will be asked to give short presentations (10 minutes maximum), to focus on specific pre-determined issues and to avoid jargon.
For complex items, the Chair has a specific responsibility to think in advance about what questions the panel may want to ask witnesses. There are a number of ways of doing this:

- brainstorm at previous meeting (or at a pre-meeting)
- panel members to agree via email between meetings
- scrutiny officer to draft and send to committee members for comment/changes
- Chair to draft and send to panel members for comment/changes.

Finally, it is useful for the Chair to give some thought to the atmosphere which he or she wishes to create during panel meetings. Things to consider include where to hold the meeting, the room layout and how best to put witnesses at ease.

**Pre-meetings**

The chair may wish to hold a pre-meeting of the panel/commission in order to develop a questioning strategy for the meeting. This can be useful for a meeting that will consider a complex matter or when a Cabinet member or high profile witness is due to attend. Pre-meetings can help to structure the meeting and make best use of the time available as well as allowing for more effective questioning as all members will have a shared understanding of what they wish to achieve.

**Chairing the scrutiny panel meeting**

Planning is essential to successful chairing and so it is important that the Chair is well briefed prior to the start of the meeting and knows what s/he wants to achieve from the meeting.

When members of the public are present it is helpful for the Chair to make some opening remarks to explain how the meeting will operate, and in particular how the public will be able to contribute.

A useful chairing technique is to summarise or highlight key issues at the end of each speaker’s contribution. This helps to reassure nervous witnesses that the Chair has understood what they said and found it useful. This technique can also be used to move the discussion on if it has become repetitive or to re-focus on the terms of reference (or issue in hand) if the discussion has strayed too far from these.

Recommendations are a key mechanism by which scrutiny can impact on decision making and/or service improvement. The Chair is responsible for ensuring that the panel makes clear recommendations for action to the Cabinet or to council officers. Scrutiny recommendations are usually consensual and can be made without taking a vote. Occasionally one or more members may wish to abstain from the recommendation or to make a minority recommendation.

**Support**

Each scrutiny panel (and associated task groups) will be allocated a scrutiny officers who will provide research and policy support. The scrutiny officer will, in conjunction with the Chair, carry out much of the work of the panel or task group between formal meetings – writing letters on the panel’s behalf, seeking suitable witnesses, obtaining evidence documents and drafting work programmes.
Roles – co-opted members

Non-councillors may be co-opted onto scrutiny panels or associated task groups. Co-opted members can be particularly helpful in representing community perspectives, contributing to providing a wider/balanced picture of an issue and encouraging public engagement.

Some of these co-opted members are statutory, for example the Diocesan Board and Parent Governor representatives on the Children and Young People Overview and Scrutiny Panel and on the Commission, and are able to vote on matters concerning education.

The Centre for Public Scrutiny’s website contains an induction pack for new parent governor representatives who have been co-opted on to an education or children’s services scrutiny committee: http://www.cfps.org.uk/publications/item.php?itemid=27
Copies are also available from the Scrutiny Team – contact details in Appendix 1.

The Police and Justice Act 2006 allows crime and disorder committees to co-opt additional members with particular expertise in crime and disorder issues. Co-optees must be employees, officers or members of one of the responsible authorities – Cabinet Members may not be co-opted.

Scrutiny panels may also choose to include co-opted members in a non-voting capacity. Two of Merton’s panels have regularly appointed co-opted members who have specific areas of interest and expertise:

- Healthier Communities and Older People Overview and Scrutiny Panel have co-opted members representing Merton Seniors Forum and Merton’s Health LINK
- Children and Young People Overview and Scrutiny Panel have co-opted headteacher representatives and continue to look for ways to more actively involve young people.

With or without voting rights, co-opted members participate in scrutiny with equal status to councillors, with access to the same information and the right to fully contribute to all debates.

Appendix 2 sets out some good practice standards on general behaviour; use of information and declaration of interests which co-opted members of scrutiny panels are expected to comply with.
Developing the scrutiny panel work programme

The work programme is a key tool for successful scrutiny. At the start of the municipal year, the Commission and each Panel develop their own well-planned and manageable work programme, with carefully selected topics, which link to the Council’s corporate priorities and contribute to service improvement.

The aim is to:

- prioritise issues for in-depth work where scrutiny can make an impact, add value or contribute to policy development
- reduce the need for reports that are “information only”
- achieve a balance between pre-decision scrutiny, policy development, performance and budget monitoring
- contribute at an earlier stage in the decision making process
- increase public and other stakeholder involvement in scrutiny
- leave space in the work programme in order to be able to respond to urgent issues of public or Member concern as they arise during the year.

The agenda for each meeting should be a manageable size. This will be judged by the amount of time required for discussion of each item. For example, the agenda could contain just one or two items if these were to be examined in depth or up to ten items for brief discussion.

Ideally discussion of items would be evidence based, during which the Commission/Panel would hear from a range of witnesses with differing perspectives and views so that the Commission/Panel could reach rounded conclusions and make recommendations based on evidence received.

As well as agenda items for panel meetings, the work programme can include a small number of topics identified as being suitable for in-depth scrutiny by a task group (see section overleaf for further detail). It is recommended that there should be a maximum of one task group per scrutiny panel in operation at any one time, with the aim of completing a maximum of two working groups a year per panel. The number completed will depend on how extensive the scope of each task group review is.

At the start of each municipal year a topic selection workshop is held to which all councillors, co-opted members, Directors and partner organisations are invited. The scrutiny team provides a “long list” of potential scrutiny topics as a basis for discussion at the workshop. This longlist is drawn from relevant strategies and service plans, performance management and financial information, complaints and resident surveys, and from suggestions received from councillors, officers, partner organisations, local community and voluntary organisations and individual members of the public.

Workshop participants discuss each of the items in the longlist and prioritise these against set criteria. In particular, participants are encouraged to prioritise issues that relate to the Council’s strategic priorities or where there is underperformance; issues of public interest or concern and issues where scrutiny could make a difference.
At the first meeting of the municipal year each Panel and the Commission receive:

- presentation by the relevant Cabinet member(s) and Director(s) setting out their priorities, key issues and challenges for the year ahead
- a note of the topic workshop discussion, including the priorities shortlist
- the longlist of all topic suggestions made
- draft work programme (where possible) – drawn up by the scrutiny officer in consultation with the chair and vice chair

On the basis of this information, the Panel/Commission discuss and agree a work programme for the year ahead. Once the work programme has been agreed, additional items will be usually only be added by agreement at a meeting of the panel or, in exceptional and/or urgent circumstances, by the Chair in consultation with the Vice Chair. The work programme is provided to each subsequent meeting of the Panel/Commission so that changes can be agreed as appropriate.

Some work programme items are identified as being for information purposes only and, with the chair’s agreement, are sent to members of the panel separately in order to help keep the meeting agendas to a manageable size.
Scrutiny task groups

The scrutiny panel will identify a small number of topics for in-depth scrutiny work, which may be carried out by a task group established by the panel. Task groups add significantly to the panel's ability to contribute to policy development and/or service improvement. They frequently examine issues that are of interest to local residents and thus provide an opportunity for meaningful public involvement in scrutiny.

When task groups are established by the parent scrutiny panel, the panel will:

- appoint the members of the task group
- appoint a Chair (or agree that the task group will appoint its own)
- provide clear terms of reference and a timescale, with a finish date for reporting back to the parent body

The task group will develop its own work programme, within the agreed terms of reference, and report back on progress to the parent scrutiny body from time to time as appropriate.

One of the recommendations of the 2009 review of scrutiny was that membership of task groups should be open to all scrutiny members, not just those on the parent body. This will help to bring in wider expertise. Once a task group has been established, the scrutiny team will therefore write to all scrutiny members inviting them to join.

In order to develop its work programme, the task group will identify:

- what questions need to be asked in order to address the terms of reference
- the stakeholders who need to be notified and invited to contribute
- other potential sources of evidence such as policy documents, finance and performance information, expert advice, comparative or best practice information from other councils
- visits and consultation activities

Each scrutiny task group will inform the relevant Cabinet Member(s) of its terms of reference, timescale and work programme and will invite them to a meeting in order to discuss its recommendations before they are finalised. This discussion helps to develop a joint understanding of the purpose and intention of the recommendations and enable any potential difficulties to be resolved informally.

The task group will present a written report of its findings and recommendations to the parent scrutiny panel for its approval. The report will be presented by the task group’s chair. The report will be evidence based, drawing on and reflecting the wide range of written and oral evidence received.

The panel will then send the report to the Cabinet for consideration and response. The report will normally be presented to Cabinet by the chair of the task group, or by another Member nominated by the scrutiny panel.

The Cabinet is required by law to respond to the report within two months. This response should, for each recommendation, set out how and when the
recommendation will be implemented. Reasons should be given for the non-acceptance of any recommendation.

The parent scrutiny panel will be responsible for monitoring the implementation of recommendations, for example through six monthly update reports until all the recommendations accepted by Cabinet have been implemented to the satisfaction of the panel.

Completed task group reports are published on the Council's website: http://www.merton.gov.uk/council/scrutiny/scrutinypublications.htm#pastreview
Relationship with the Cabinet

A good working relationship between the Cabinet and Scrutiny is very important to the success of the scrutiny process. It should be a constructive relationship, which respects the role of each body and promotes parity of esteem. Scrutiny members should feel able to robustly challenge the Cabinet and hold Cabinet Members to account.

In turn, the Cabinet should encourage and welcome the use of scrutiny panels as consultative forums at an early stage when considering new policies or initiatives or significant changes to existing policies. Cabinet may wish to ask a scrutiny panel to undertake a specific piece of task group work that would be helpful to Cabinet in its decision making role. This would be welcomed by scrutiny on the understanding that the decision on whether to accept the work is made by scrutiny. The 2011 task group review of efficient household waste management is an example of a review being set up in response to a request by Cabinet.

One of the recommendations of the 2009 review of scrutiny was that the Scrutiny Commission and Panel Chairs and Vice Chairs meet with the relevant Cabinet Member(s) and Director(s) at key points during the municipal year in order to discuss matters of mutual interest and to share work programme intentions and priorities. These meetings are arranged by the scrutiny officer.

Scrutiny has the power to require a Cabinet Member to attend one of its meetings in order to explain and answer questions about their decisions, plans and performance. Cabinet members are always welcome at scrutiny meetings but regular attendance is not required – it is expected that Cabinet Members will usually attend only on invitation. The invitation will set out why the Cabinet Member has been invited and what is expected of him/her at the meeting plus an indication of start time and planned length of time allocated for discussion of the agenda item.

Each scrutiny task group will inform the relevant Cabinet Member(s) of its terms of reference, timescale and work programme and will invite them to a meeting in order to discuss its recommendations before they are finalised. This discussion should lead to a joint understanding of the purpose and intention of the recommendations and enable any potential difficulties to be resolved informally.

The task group’s final report will be presented by its chair (or other nominated representative) to the Cabinet for consideration and response. The response usually takes the form of an action plan drawn up by officers working with relevant partner organisations and Cabinet Member(s) designated by Cabinet. Cabinet will decide whether it wishes to formally approve the action plan prior to it being submitted to the scrutiny panel.

Note that the Local Government and Public Involvement in Health Act 2007 has created a duty on both Cabinet and Council to respond to reports and recommendations made by scrutiny committees within two months of written notice being given. This is set out in the Council’s Constitution, Part 4E section 12c:  
http://www.merton.gov.uk/democratic_services/w-agendas/w-constitution/22.pdf
The response to scrutiny task group reports and other references from scrutiny should, for each recommendation, set out how the recommendation will be implemented and when. Reasons should be given for the non-acceptance of any of the recommendations. The parent scrutiny body will subsequently follow-up the recommendations in order to monitor their implementation.

If recommendations are made that relate to the NHS, Police or other external organisation, these may be reported directly to the relevant organisation and/or via Cabinet. The scrutiny committee will take a decision on a case-by-case basis about whether to also send the report to the Cabinet.
Pre-decision scrutiny and the Forward Plan

The Council’s Forward Plan carries notice of issues to be considered by the Cabinet over the next four months. Details of items which fall within the terms of reference of each scrutiny body will be provided at each meeting so that the panel/commission can decide which items it wishes to scrutinise (or receive further information on) before decisions are taken by the Cabinet.

When taking a report intended for Cabinet decision, the scrutiny panel will usually ask the appropriate lead officer or Cabinet Member to introduce the issue and then question them on matters of concern. The panel should then aim to come to a consensual view, where possible, on whether the recommended course of action should be taken, or whether alternative or additional courses of action should be pursued.

The panel’s view will be formally conveyed to the Cabinet in the form of a “reference”. This advises the Cabinet that the panel supports the recommended action, requests an alternative decision, or suggests additional considerations for the Cabinet to take into account when making its decision.

Depending on the time lapse between the scrutiny meeting and the Cabinet meeting, the reference will either be tabled at the Cabinet meeting, included in the service officer’s report to Cabinet or provided as a written response from the panel/commission.

The Cabinet will then decide how far it wishes to take the panel’s views into account when making its decision.
Call-in

From time to time, the Cabinet may take a decision that causes concern to some councillors to such an extent that they believe the decision should be changed. The Local Government Act 2000 requires every Council to establish a mechanism which allows for Executive decisions made but not yet implemented to be ‘called in’ for consideration by scrutiny. This includes decisions taken by Cabinet (collective or individual) or decisions delegated to Chief Officers.

Call-in is intended to be used in exceptional circumstances for decisions believed to be contrary to the authority’s decision making principles. By its nature it acts as a delaying mechanism.

How this is used varies considerably and is set out in each Council’s constitution, stipulating time periods, who and how many can call-in.

Merton’s call-in process is set out in Part 4E, paragraph 16, of the Council’s Constitution:
http://www.merton.gov.uk/democratic_services/w-agendas/w-constitution/22.pdf

Its key features are:

- executive decisions are published on the website and notified by email to all councillors.
- call-in requests must be received by 12 noon on the 3rd working day following publication of decision
- the request must be made by a minimum of three councillors (a link to the electronic form is given in the email notification to councillors. Alternatively, a paper form may be submitted)
- the request must specify reason for call-in and evidence of breach of a principle of decision making (set out in the constitution)
- the request includes details of witnesses and further information required

The call-in request should be sent to the Democracy Services team by the 3rd working day following publication of the decision. The Council’s Monitoring Officer (the Assistant Director – Corporate Governance) will assess validity of call-in.

If the Monitoring Officer judges the call-in to be valid it is then referred to the relevant scrutiny panel or, if the panel has previously scrutinised the issue, to the Commission. Items falling within the Commission’s terms of reference would also be dealt with by the Commission.

The Panel/Commission will either deal with the call-in at its next scheduled meeting or hold an additional meeting (there are some dates set aside in the corporate calendar for this eventuality).

The tight timetable for taking action in the case of call-in means that both officers and councillors need to make themselves available at short notice to attend meetings and provide additional information, where necessary.

The Panel/Commission will hear from the call-in signatories and other people opposed to the initial decision. It will then hear from the Cabinet Member (or
officer) who made the decision. It will ask questions and discuss the issue before reaching a decision.

The Panel/Commission has three options available for decision, to:

- ask the decision maker to reconsider – in which case the decision is referred back, setting out in writing the nature of the concerns. Decision maker may then amend the decision or not, before adopting a final decision which will be explained in writing.
- refer to full Council (if the decision was found to be outside policy or budget framework). Council may then uphold the initial decision or refer it back to the decision maker, together with Council’s views on the decision. Decision maker may then amend the decision or not, before adopting a final decision which will be explained in writing
- uphold the initial decision – in which case the decision shall take effect immediately.

Scrutiny typically deals with 4-6 call-ins each year.
Guidance for officers

Roles - officers in service departments

Senior officers may be asked to make a significant input into the scrutiny panel’s work from time to time. They may be asked to attend as witnesses, to write and present reports or to give evidence on issues related to their service area.

 Appearing as a witness at scrutiny should not be an intimidating experience. Meetings will be conducted in the spirit of openness and members will not seek to “catch officers out”. Witness sessions should be about gathering evidence. Lines of questioning may be probing and firm, and those officers called to give evidence should do so in a non-defensive manner. All witnesses are expected to be frank and to provide information (and respond to questions) in a way that promotes understanding and will therefore inform the deliberations and conclusions reached by the committee.

The Commission, Panels and associated task groups are each supported by a lead scrutiny officer from the Democracy Services team, based in the Corporate Services Department. They will be the first line of contact and can provide advice on the issues or concerns which officers may have. Officers are asked to work closely with the scrutiny officer to ensure all the information is provided in a timely and accessible manner and in pursuit of the outcome. Contact details for the scrutiny officers are provided in Appendix 1.

Providing written evidence

Written reports to the Overview and Scrutiny Commission and to the Scrutiny Panels must comply with the usual “Access to Information” requirements. Guidance on deadlines and report format will be given by the scrutiny officer.

Authors are requested to produce reports that:
- contain the information which has been requested
- are concise and factually accurate
- explain any jargon, abbreviations and technical terms used
- avoid the use of irrelevant information

Scrutiny is trying to move away from the traditional methods of report production towards an increased use of presentations and briefing papers, which will provide the basis for asking questions. This applies particularly to information requested by task groups.

Task groups have informal meetings outside of the usual committee structure and requirements. Written information provided to task groups will not usually need to use the formal committee report format. The scrutiny officer will be able to advise authors of the task group’s requirements. If legal or financial advice is required, the scrutiny officer will contact the appropriate officers.

Officers will be given as much notice as possible of requests for reports and other written information – normally a minimum of ten working days.
Providing oral evidence

Officers will be invited to give a short presentation and will be provided with an outline of the areas, which the committee or working group wish them to address. This will help officers to prepare for the meeting and to ensure they can provide the committee with everything it needs. Officers may need to consult with other officers in their department on information they might want to bring to the committee’s attention.

The officer who has been invited to speak will usually be asked to sit at the table. The Chair will lead the session, although any member may ask questions. If any questions are asked that Officers cannot answer, they will be given the opportunity to submit the information requested at a later date. Except in exceptional circumstances scrutiny panels/commission will meet in public and all evidence submitted will be available to the public. If it is necessary to submit evidence in private due to confidentiality issues, the scrutiny officer should be advised.

Officers will be sent draft minutes of the meeting in order to check them for accuracy.

Supporting task groups

A small number of officers will be asked to provide information and other support to scrutiny task groups. This support may include commenting on draft terms of reference, making suggestions for any suitable public/stakeholders and key witnesses to assist the scrutiny work, making suggestions about good practice elsewhere which the task group might wish to look at, and advising on the feasibility of the task group’s draft recommendations.

After the task group has finished collecting all its evidence, it produces a report summarising its findings. The report makes recommendations for future action and acknowledges the source of all the written and oral evidence provided. The officers involved will be sent a draft of this report in order to comment on its factual accuracy.

The Cabinet will consider the report and decide whether or not to implement each recommendation. Officers will be expected to submit a report to Cabinet, advising on how and when recommendations will be implemented. Reasons will be given for the non-acceptance of any of the recommendations. Officers will be expected to submit a progress report about six months later to the scrutiny panel on the implementation of the recommendations which have been agreed.
Roles – scrutiny officers

A scrutiny officer from the Democracy Services team based in the Corporate Services Department will support the Overview and Scrutiny Commission, Scrutiny Panels and associated working groups:

- assisting scrutiny members to select topics for scrutiny and managing the scrutiny work programme for each committee
- project managing individual scrutiny reviews, and managing the work of scrutiny working groups, including drafting the final report of a working group
- promoting/seeking public engagement with the scrutiny process, including arranging witnesses and visits
- obtaining evidence documents
- liaising with service officers to produce reports and information for scrutiny
- preparing the meeting room and necessary IT facilities
- provide constitutional and procedural advice and support in relation to Commission and Panel meetings
- drafting minutes of the meeting
- drafting references from the Commission/Panel to Cabinet and/or Council
- promoting the scrutiny process across the Council and externally

The Democracy Services team has a small budget (£11k in 2011/12) to support the scrutiny committees in undertaking their work. This money may be used for:

- commissioning or supporting consultation activities
- commissioning external consultants or research
- visits to other best practice authorities
- organising and hosting scrutiny events
- conference attendance or scrutiny specific member training
- advertising/publicity for scrutiny
- costs of interpreters and translators

Contact details for the scrutiny officers are given in Appendix 1.

Roles – Democratic Services

A Democratic Services Officer provides support with the agenda publication and other preparation for meetings of the Overview and Scrutiny Commission and the three Panels. Their role is to:

- arrange meeting dates and venues
- distribute agenda papers
- order refreshments as required
- publish agenda papers and minutes on the Council’s website
Public involvement in scrutiny

Scrutiny should be outward looking, involving all stakeholders as far as possible, and taking careful account of the views of service users in particular. All scrutiny bodies are encouraged to seek effective ways of involving members of the public in every aspect of their work.

Improved and increased public involvement will be crucial to ensuring the success of scrutiny in Merton.

Members of the public can get involved in scrutiny by making suggestions for scrutiny topics, attending meetings, submitting written evidence and appearing as witnesses.

In addition, either because of a statutory requirement (as exists with Education) or because the expertise was desired, several Panels have also co-opted members of external organisations. These co-opted members participate fully in scrutiny meetings but, with the exception of the statutory co-optees, they do not have voting rights. (see page 15 for further information on the role of co-opted members)

Suggesting an issue for scrutiny

The Council’s website contains an online form which can be used to make suggestions on issues and topics for future scrutiny:
https://forms.merton.gov.uk/AF3/an/default.aspx/RenderForm/?F.Name=ircdXSfy8Km

Alternatively the form in Appendix 3 can be used and sent by post. Suggestions may also be made in writing, by email or by phone to the Scrutiny Team – contact details in Appendix 1.

All suggestions received will be discussed by the relevant scrutiny panel when they consider their work programme and the person who made the suggestion will be contacted to let them know what has happened to it.

When making suggestions for scrutiny topics, members of the public are asked to bear in mind that while individuals’ experiences can be useful to scrutiny in providing illustrations/experience of wider concerns, scrutiny is not the forum through which personal grievances can be resolved. Individual complaints should be pursued through the Council’s customer complaints process:
http://www.merton.gov.uk/complaints

Attending meetings

Agenda papers and minutes are available on the Council’s website, in public libraries and in paper copy on request from the Democracy Services team:
http://www.merton.gov.uk/council/decision-making/committee.htm
democraticservices@merton.gov.uk
0208 545 3361
Scrutiny panel meetings are open to the public, who may observe the proceedings. Members of the public may speak at the chair’s discretion.

There are very rare occasions when a scrutiny meeting, or part of a meeting, needs to be held in private. This is determined by application of a strict set of criteria contained in the Local Government Act 1972 (Access to Information) that includes, amongst other conditions, matters of a commercially sensitive nature.

Providing information and views

Members of the public can send in written views on issues that are under discussion at a scrutiny panel or task group. Information on the work of the task groups can be found on the Council’s website: http://www.merton.gov.uk/council/decision-making/scrutiny.htm

For some issues, particular groups of service users or specific demographic groups (e.g. older people, council tenants, people with disabilities...) may be invited to send in views or to participate in a discussion.

Speaking at a meeting

Members of the public may be invited, by prior arrangement, to speak at a scrutiny panel meeting in order to give their views relating to a particular item on the agenda. Attendance and participation at task group meetings is by invitation only.

The scrutiny officer will get in touch with invited speakers to explain the format of the meeting and the issues which the committee or working group are interested in discussing. The scrutiny officer will also answer any questions they have.

Members of the public may also request to speak about an item on a scrutiny panel or commission agenda. Such requests should be made through the scrutiny officer and are agreed at the discretion of the Chair.

How to get in touch

Contact details for the scrutiny officers are in Appendix 1.
### Appendix 1

**Scrutiny officer contact details**

Democracy Services Team  
Civic Centre  
London Road  
Morden  
SM4 5DX

<table>
<thead>
<tr>
<th>Name</th>
<th>Job title</th>
<th>Role</th>
<th>Contact details</th>
</tr>
</thead>
</table>
| Julia Regan   | Head of Democracy Services | Team manager  
Lead on scrutiny  
Support to Overview & Scrutiny Commission | 0208 545 3864  
Julia.regan@merton.gov.uk |
| Stella Akintan| Scrutiny Officer           | Lead on health scrutiny  
Support to Healthier Communities  
Overview & Scrutiny Panel         | 0208 545 3390  
stella.akintan@merton.gov.uk      |
| Hilary Gullen | Scrutiny Officer           | Support to Children & Young People  
Overview & Scrutiny Panel  
Support to Sustainable Communities  
Overview & Scrutiny Panel          | 0208 545 4035  
hilary.gullen@merton.gov.uk       |
Appendix 2

Good practice standards for co-opted members of scrutiny committees and working groups

General Behaviour

Co-opted members should:
- promote equality and not discriminate against any person;
- treat others fairly and with respect;
- facilitate and encourage wide discussion where appropriate
- represent the views of the wider community

Co-opted members should not:
- be rude or cause offence;
- use inappropriate language (e.g. swearing, discriminatory comments); or
- be under the influence of alcohol or other substances when involved with Council activities.

Use of information

Co-opted members should not:
- disclose private or confidential information given to them in the course of their duties
- use information against any person
- use information to gain any personal advantage

Co-opted members should:
- make sure that family and friends/colleagues do not see private and confidential information
- return all private and confidential information to the relevant Council officer at the end of a meeting

Declaration of interests

Co-opted members should make known to the relevant Council officer any interest they have in the matters being discussed during Council activities. These interests may include:

(i) financial interests (direct or indirect, for example as an employee of a company) and/or;
(ii) any relationship or friendship that a volunteer may have to any person or organisation that is the subject of discussion at the Council activity.

Where there is a conflict of interest, the co-opted member must leave the meeting whilst the matter is being discussed
Appendix 3 – topic suggestion form
Overview and scrutiny at LB Merton

Tackling the issues affecting local people

Local councillors on Merton’s overview and scrutiny panels regularly carry out reviews of issues and services that affect people living in the borough. These reviews involve finding out about local people’s experiences and looking at how other towns and cities deal with the same problems. Councillors then suggest ways of making things better in Merton.

In the past they have looked at a wide range of issues including the quality of care in nursing homes, the impact of the recession, parks and open spaces and special educational needs.

What do YOU think they should look at next?

It could be about transport, parks and leisure centres, access to healthcare, recycling or even road safety. Ideas are not limited to council services … effectively we will consider any suggestions as long as they affect people living in Merton.

If you have a suggestion, you can fill out the online suggestion form at www.merton.gov.uk/scrutiny or fill out the tear-off slip below and hand it into your local library or send it to the following address: Scrutiny Team, Merton Civic Centre, London Road, Morden SM4 5DX.

To find out more about how you can get involved in overview and scrutiny work, phone 020 8545 3864, email scrutiny@merton.gov.uk or visit www.merton.gov.uk/scrutiny.

I think overview and scrutiny should carry out a review of …

Because …

Name: ____________________________
Address: ____________________________
Telephone no.: ________________ E-mail address: ____________________________

In future, would you like us to contact you about new scrutiny reviews as they begin?

□ Yes □ No

Please note that scrutiny cannot deal with individual complaints or look at issues dealt with by another Council committee (e.g. Planning/ Licensing) unless the issue deals with procedure.

Return to : L B Merton Scrutiny Team, 9th floor Merton Civic Centre, London Road, Morden SM4 5DX
Contents

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What you can expect from the Scrutiny Team 2
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The Customer Service Charter

Our customer charter explains the service standards you can expect from the Scrutiny Team, and will outline our promises to you as a valued customer of the various services provided by the Team.

Scrutiny is part of the Democracy Services Team made up of the following teams:

- Scrutiny
- Democratic Services
- Mayor’s Office
- Majority (Labour) Group Office
- Opposition Group Offices

Who are our customers?

- Elected Members (Executive and Non Executive)
- Officers/Senior Management
- Partner Organisations (private, public and voluntary sector)
- Merton Residents

Scrutiny

Overview and Scrutiny is a democratic process that enables a constructive dialogue between the public, partners and elected members to improve the quality of public services.

Overview and Scrutiny ensures that the Cabinet, and the Councils partners, are held to account for their performance and the decisions that they make which impact upon the borough and its residents

Reducing avoidable contact

The council, and scrutiny team, is working towards reducing the amount of avoidable contact (National Indicator 14) and this will require staff to take greater responsibility and ownership of customers and their enquiries. For example, this means a customer doesn’t have contact us on the telephone to ask because they have been able to access information online, or doesn’t have to ask twice because their query was answered at ‘first point of contact’.
What you can expect from the Scrutiny Team

Non-Executive members (Scrutiny)

The Scrutiny Team is here to support and advise Members in their non-executive scrutiny roles to ensure the scrutiny function is effective and is delivering tangible outcomes.

The Scrutiny Team will support you in your role as a non-executive scrutiny member in the following ways:

- By supporting you in your scrutiny role to ensure the development of an effective scrutiny function;
- By providing advice, research support and managing projects;
- By co-ordinating, managing and advising on the work programme of the Overview and Scrutiny Panels;
- By maintaining regular dialogue with officers and partners to ensure Members have the information they require to effectively scrutinise the performance and policies of the Council and its partners;
- By undertaking Agenda management in liaison with the Chair and Vice Chair of an Overview and Scrutiny Panel;
- By facilitating and managing the work of task groups to enable you to undertake focused short-term scrutiny reviews;
- By promoting the work of the overview and scrutiny panels across the council and to outside organisations and the public to publicise the added value gained from the scrutiny process;
- By supporting you to review and analyse performance information;
- By drafting final reports and proposing recommendations for your consideration;
- By seeking out and creating learning and development opportunities to support you in your scrutiny role;
- By promoting the work of the Overview and Scrutiny Commission and Panels in the community, encouraging effective engagement and participation in scrutiny activity through a range of mechanisms; and
- By learning from best practice and responding to provisions in new or existing legislation.
Overview and Scrutiny Customer Service Charter

Executive Members (Cabinet)

Overview and Scrutiny ensures that in your role as Cabinet Member you are held to account for your performance and the decisions that you make which impact upon the borough and its residents in delivering Merton’s Local Area Agreement.

As a Cabinet Member with responsibility for a particular area of work/service you may be requested to attend a meeting of an Overview and Scrutiny Panel to provide evidence/information to enable the Panel to undertake pre decision scrutiny or a scrutiny review of a particular service or policy.

The Scrutiny Team is here to support your participation in the work of the Councils Overview and Scrutiny function.

The Scrutiny Team will support your involvement in the scrutiny process by:

- Seeking topic suggestions from you to feed in to work programme planning for Member consideration at the start of the municipal year to ensure that Scrutiny is supporting delivery of the Councils and partners shared priorities/objectives;

- Promoting the Overview and Scrutiny work programme and consulting you on items that may be of interest that you would like to submit your views on:

- Requesting your attendance at a meeting of an Overview and Scrutiny Panels to submit evidence to a scrutiny review;

- Updating you on the outcomes of a scrutiny review and feeding back on your involvement in that process;

- Informing you of any recommendations made by the Overview and Scrutiny Panel that require your consideration and a response to the Panel on how you intend to take forward;

- Publicising the meeting dates for the Overview and Scrutiny Panels on the Councils website, and informing you by email/telephone where appropriate, to enable you to attend a meeting to hear the discussion and speak;

- Providing advice and guidance to guide you through the scrutiny process;

- Responding to your enquiries about the role of scrutiny;

- Asking for your views on how to improve the support you received from the Scrutiny Team.
Officers/Senior Management

As an officer you will have expertise in a particular service area that an Overview and Scrutiny Panel are scrutinising and will be required to provide evidence and attend formal Panel and informal Task Group and Member/officer meetings, as deemed necessary by the Chair, in liaison with the Scrutiny Team. The Scrutiny Team is here to support your participation in the work of the Council’s Overview and Scrutiny function.

The Scrutiny Team will support your involvement in the scrutiny process by:

- Seeking topic suggestions from you to feed in to work programme planning for Member consideration at the start of the municipal year to ensure that Scrutiny is supporting delivery of the Councils and partners shared priorities/objectives;

- Promoting the Overview and Scrutiny work programme and consulting you on items that may be of interest that you would like to submit your views on;

- Requesting your attendance at a meeting of an Overview and Scrutiny Panels to submit evidence to a scrutiny review;

- Updating you on the outcomes of a scrutiny review and feeding back on your involvement in that process;

- Informing you of any recommendations made by the Overview and Scrutiny Panel that require your consideration and a response to the Panel on how you intend to take forward, either as an officer with delegated authority or in support of the Cabinet Member with a portfolio relating to your area of work;

- Publicising the meeting dates for the Overview and Scrutiny Panels on the Councils website, and informing you by email/telephone where appropriate, to enable you to attend a meeting to hear the discussion and speak;

- Providing advice and guidance to guide you through the scrutiny process;

- Responding to your enquiries about the role of scrutiny;

- Asking for your views on how to improve the support you received from the Scrutiny Team
Overview and Scrutiny Customer Service Charter

**Partner Organisations**

Recent legislation has introduced new powers for Overview and Scrutiny to engage partner organisations in the scrutiny process to support the delivery of the priorities and targets with the Local Area Agreement.

The Scrutiny Team will support your involvement in the scrutiny process by:

- Seeking topic suggestions from you to feed in to work programme planning for Member consideration at the start of the municipal year to ensure that Scrutiny is supporting delivery of the Local Area Agreement and partner and Council shared priorities/objectives;
- Promoting the Overview and Scrutiny work programme and consulting you on items that may be of interest that you would like to submit your views on;
- Requesting your attendance at a meeting of an Overview and Scrutiny Panels to submit evidence to a scrutiny review;
- Updating you on the outcomes of a scrutiny review and feeding back on your involvement in that process;
- Informing you of any recommendations made by the Overview and Scrutiny Panel that require your consideration and a response to the Panel on how you intend to take forward;
- Publicising the meeting dates for the Overview and Scrutiny Panels on the Councils website, and informing you by email where appropriate, to enable you to attend a meeting to hear the discussion and speak;
- Providing advice and guidance to guide you through the scrutiny process;
- Responding to your enquiries about the role of scrutiny, its powers, particularly in relation to scrutiny of the Local Area Agreement and partnership working;
- Supporting you to be a co-opted member on a Panel or Task Group due to your expertise and/or experience in relation to a particular issue/topic being reviewed by an Overview and Scrutiny Panel;
- Asking for your views on how to improve the support you received from the Scrutiny Team.
Residents

The Scrutiny Team is here to help you to get involved in the work of the Councils Overview and Scrutiny function to raise issues of concern and to contribute your views and influence the decision making process.

The Scrutiny Team will support your involvement in the scrutiny process by:

- Promoting opportunities for you to submit your views to a scrutiny review or item on a formal Scrutiny meeting Agenda;
- Publicising the meeting dates for the Overview and Scrutiny Panels on the Councils website to enable you to attend a meeting to hear the discussion and speak;
- Providing advice and guidance to guide you through the scrutiny process;
- Responding to any access issues you may have to enable you to submit your views/evidence for Members consideration;
- Responding to your general enquiries about the role of scrutiny;
- Holding an annual Topic Suggestion Scheme to enable you to submit your views on what the Councils Overview and Scrutiny Panels should be scrutinising to make Merton a better place to live, work and visit;
- Distributing a leaflet which is available on the Councils website, in the Civic Centre Reception and in other public places, such as libraries and community centre’s, to enable you to suggest topics for the scrutiny work programme throughout the year;
- Supporting you to be a co-opted member on a Panel or Task Group due to your expertise and/or experience in relation to a particular issue/topic being reviewed by an Overview and Scrutiny Panel;
- Publicising the outcomes of the work of the Councils Overview and Scrutiny Panels;
- Providing feedback to you on how your involvement made an impact and your views were considered and used; and
- Asking for your views on how to improve the support you received from the Scrutiny Team.
Standards

Queries

The Scrutiny Team will respond to any written request for information or queries about the scrutiny function within five working days and will answer a telephone call within 5 rings. We will write to you to inform you when you will receive a response if it is to be later than 5 working days.

Should you be attending a meeting of an Overview and Scrutiny Panel to provide evidence we will contact you at least 10 working days in advance of the meeting to brief you on the scrutiny process, what information is required, how the meeting will proceed and when you will be invited to speak.

Should you attend a formal meeting of the Panel and not have contacted the Scrutiny Team in advance, please speak to the relevant Scrutiny Officer on your arrival who will inform the Chair of the Panel that you would like to speak.

There are circumstances in which a response to certain customer groups is required more quickly and our agreed standards in such circumstances are outlined below.

Elected Members

The Scrutiny Team will respond to any written request for information or queries about the scrutiny function no later than within five working days but will endeavour to respond more quickly in relation to ongoing preparations/outstanding issues relating to Panel meetings or the Overview and Scrutiny work programme.

Officers/Senior Management

We will liaise with you and the Chair of the relevant Overview and Scrutiny Panel to advise on any pre decision items, that you may have proposed the Panel should have input on, to schedule into the Overview and Scrutiny work programme accordingly.

In the event of a call in and you are required to attend a meeting to provide evidence the Scrutiny Team will inform you by email and provide detail of the information that has been requested by the Members that have called in the decision. The Scrutiny Team will also forward a Call In Guide for Members to address any questions you may have. The Scrutiny Team is still on hand to respond directly to any issues.

You will also be asked to submit an Executive Response And Action Plan further to any recommendations being made to Cabinet that relate to your portfolio by an Overview and Scrutiny Panel. The Scrutiny Team will liaise with you regarding timescales and deadlines.

Partner Organisations

We will forward a Partner/Witness Guidance document to you to provide you with information on your involvement in the scrutiny process. The Scrutiny Team will advise you on the supporting legislation that enables the Panels to require you to attend and consider the recommendations made, if any, in the External Scrutiny Protocol.
Overview and Scrutiny Customer Service Charter

An agreed working protocol between partners, primarily the CDRP and LSP, and Overview and Scrutiny at Merton has been developed and agreed by the LSP Executive Board and outlines in further detail the new powers for Overview and Scrutiny and the detail of the legislation permitting such powers, the role of partners in the scrutiny process and requirements with regard to attendance, information and responding to recommendations.

Residents

We will forward a Witness Guidance document to you to provide you with this information. We can make arrangements to meet with you or contact you to brief you in person and alleviate any concerns and answer any questions. The Scrutiny Team in advance of the meeting will deal with any access issues or request for expenses.

Should you attend a formal meeting of the Panel and not have contacted the Scrutiny Team in advance, please speak to the relevant Scrutiny Officer on your arrival who will inform the Chair of the Panel that you would like to speak. If the Chair invites you to speak it is at his/her discretion.

If you would like to make an appointment to meet with us, you can do so by calling 020 8545 3864 or by email to scrutiny@merton.gov.uk. We recommend arranging an appointment in advance to ensure we can meet with you at a time most convenient to yourself. If you have an appointment, we will see you within 5 minutes of the time agreed. If you do not have an appointment, wherever possible we will see you within 10 minutes of your arrival, but in some circumstances you may need to wait up to 30 minutes. Please report to Merton Link on the ground floor when you arrive at Civic Centre.

Topic Suggestion Scheme

If you complete a topic suggestion using the leaflet provided or respond to a request via letter/email from a member of the Scrutiny Team you will receive a response letter/email within 5 working days to advise you of how this suggestion will be taken forward. You will receive a subsequent letter once the item has been considered by the relevant Overview and Scrutiny Panel within 10 working days to update you on whether the Panel will undertake a review and, if so, you will be invited to attend to speak or send in written views to a future meeting.

Finally we can make arrangements to meet with you or contact you to brief you in person and alleviate any concerns and answer any questions.

External Scrutiny Protocol

An agreed working protocol between partner organizations and Overview and Scrutiny at Merton has been developed and agreed by the Local Strategic Partnership Executive Board and outlines in further detail the new powers for Overview and Scrutiny and the detail of the legislation permitting such powers, the role of partners in the scrutiny process and requirements with regard to attendance, information and responding to recommendations.

Tell us what you think of our service

We are always trying to improve our service and therefore would like your feedback. The following feedback mechanisms are available for each customer group:
Overview and Scrutiny Customer Service Charter

Elected Members

- Annual Members Survey: we will look at all your suggestions and comments and present them to the Overview and Scrutiny Commission for consideration regarding improvements and changes that need to be made and in the quarterly Update to Councillors.
- Member Training and Development: we will ask you to complete a Member Event Feedback questionnaire to tell us how useful, relevant and informative you found the event. We will tailor future events according to your comments.
- General feedback: The Scrutiny Team will also respond to feedback regarding report format and information requirements to enable you to undertake your role and deliver the annual scrutiny work programme.

Officers/Senior Management

- Annual Officers Questionnaire and other mechanisms: we will look at all your suggestions and comments and consider them when we make changes or improvements to our service.
- Officer Training Feedback: You will also be asked to submit feedback on the quality of any officer training session facilitated by the Scrutiny Team.

Partner Organisations

- Customer satisfaction questionnaire: we will look at all your suggestions and comments and consider them when we make changes or improvements to our service.

Residents

- Customer satisfaction questionnaire: we will look at all your suggestions and comments and consider them when we make changes or improvements to our service.

How we feedback to you

Members

We will report the results of the annual Members survey to the Overview and Scrutiny Commission. We will use the results to update the Scrutiny Improvement Plan to reflect improvements and changes to be made to improve the service in the coming municipal year.

We will respond to any suggestions/issues raised informally via email/letter and telephone or at a meeting with us.

Should a scrutiny review generate recommendations that impact upon you the Scrutiny Team will consult you on this during the process of the review. We will involve you in any review that may result in recommendations being made for your consideration/action. We will also liaise with you on any requests for further information or monitoring items resulting from scrutiny reviews or pre decision items.

We will also respond via email, letter or telephone to thank you for your contribution to a scrutiny review or other scrutiny meeting.
Overview and Scrutiny Customer Service Charter

**Officers/senior Management**

Should a scrutiny review generate recommendations that impact upon you the Scrutiny Team will consult you on this during the process of the review. We will endeavour to engage you in any review that may result in recommendations being made for your consideration/action. We will also liaise with you on any requests for further information or monitoring items resulting from scrutiny reviews or pre decision items.

We will liaise with you at appropriate intervals to determine if you have agreed to take any recommendations forward and by when and would, in most circumstances, request that you provide a formal Executive Response and, where appropriate, Action Plan to enable Members to monitor progress.

We will also respond via email, letter or telephone to thank you for your contribution to a scrutiny review or other scrutiny meeting.

**Partner Organisations**

We will forward a copy of the Final Report of any scrutiny review you contributed to or expressed an interest in upon completion of the review and will note the outcomes dependent on the stage at which the action plan for implementation is. If there are specific recommendations that impact upon your organisation as a partner within the Local Area Agreement with responsibility for contributing to service delivery, you will be made aware formally by writing/email by the Scrutiny Officer.

Should the review generate recommendations that impact upon you the Scrutiny Team will consult you on this during the process of the review also. We will endeavour to engage you in any review that may result in recommendations being made for your consideration/action.

We will liaise with you at appropriate intervals to determine if you have agreed to take any recommendations forward and by when and would, in most circumstances, request that you provide a formal response letter or report to the relevant Overview and Scrutiny Panel to update them on the outcomes of the review and to enable them to monitor progress.

We will also respond via email, letter or telephone to thank you for your contribution and update you on progress with a review or the decision making route it will take and when outcomes can be publicised.

**Residents**

We will forward a copy of the Final Report of any scrutiny review you contributed to or expressed an interest in upon completion of the review and will note the outcomes dependent on the stage at which the action plan for implementation is.

We will respond via email, letter or telephone to thank you for your contribution and update you on progress with a review or the decision making route it will take and when outcomes can be publicised.
Scrutiny information leaflets

There are a number of leaflets and guides available to help you understand the scrutiny process and your role in it:

- Overview and Scrutiny Handbook
- External Scrutiny Protocol
- Topic Suggestion Leaflet
- Overview and Scrutiny Annual Report
- Witness Guidance
- Witness Questionnaire
- Reports of completed scrutiny task group reviews

These are all published on the Council’s website: www.merton.gov.uk/scrutiny

Should you require a printed copy, please contact the scrutiny team by emailing scrutiny@merton.gov.uk or phoning the scrutiny team on 0208 545 3864
How to contact us

<table>
<thead>
<tr>
<th>Name</th>
<th>Role and Contact Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Julia Regan</td>
<td>Overall responsibility for the Scrutiny function and lead for the Overview and Scrutiny Commission</td>
</tr>
<tr>
<td>Head of Democracy Services 020 8545 3864 <a href="mailto:julia.regan@merton.gov.uk">julia.regan@merton.gov.uk</a></td>
<td></td>
</tr>
<tr>
<td>Stella Akintan</td>
<td>Lead officer for Healthier Communities and Older People Overview and Scrutiny Panel</td>
</tr>
<tr>
<td>Scrutiny Officer 0208 8545 3390 <a href="mailto:stella.akintan@merton.gov.uk">stella.akintan@merton.gov.uk</a></td>
<td></td>
</tr>
<tr>
<td>Hilary Gullen</td>
<td>Lead officer for Children and Young People Overview and Scrutiny Panel and the Sustainable Communities Scrutiny Panel</td>
</tr>
<tr>
<td>Scrutiny Officer 0208 8545 4035 <a href="mailto:hilary.gullen@merton.gov.uk">hilary.gullen@merton.gov.uk</a></td>
<td></td>
</tr>
<tr>
<td>General Enquires</td>
<td>For all enquires relating to the general scrutiny function such as topic suggestions and requests for information.</td>
</tr>
<tr>
<td>Scrutiny, Democracy Services London Borough of Merton, 5th Floor Merton Civic Centre, SM4 5DX 020 8545 3864 <a href="mailto:scrutiny@merton.gov.uk">scrutiny@merton.gov.uk</a> <a href="http://www.merton.gov.uk/scrutiny">www.merton.gov.uk/scrutiny</a></td>
<td></td>
</tr>
<tr>
<td>Merton Link Contact Centre:</td>
<td>For information relating to the whole council.</td>
</tr>
<tr>
<td>020 8274 4901</td>
<td></td>
</tr>
</tbody>
</table>

The team adheres to the following standards in relation to correspondence:

- **Telephone:** You can call between the hours of 9am and 5pm. We aim to answer your call within 5 rings. Our staff will answer your call in a polite and courteous manner, answering all your queries or referring you to someone who can help you. If the team member you are trying to contact is not available and you leave a message with another colleague, messages will be returned by the end of the next working day, unless otherwise advised.

- **Post or email:** We will answer your letters or emails within 10 working days of receipt, or sooner if relating to an item on a scrutiny Agenda or regarding to the development and delivery of the Overview and Scrutiny work programme. If we cannot answer your query by this time, we will inform you of this by telephone and explain when we will be able to give you a full response. If we cannot respond immediately to your email, you should receive an out of office notification advising that the staff member is unavailable. This message will include contact details for urgent enquiries and a date when the staff member will be available to reply.
Meetings of the Overview and Scrutiny Panels

You can find detail on when the Overview and Scrutiny Panels will meet on the Council’s website should you wish to attend. All Overview and Scrutiny Panel meetings, unless otherwise stated, are held in public and therefore you are able to attend to listen to the discussion. If you wish to speak, please contact the scrutiny team by 12 noon on the day before the meeting. If you are invited to attend to speak or to provide a written report the Scrutiny Team will provide you with sufficient notice and issue an invitation outlining any paper deadlines.

Merton Link

You can make an appointment to see us in Merton Link at the Civic Centre. It is important to make an appointment with one of our staff before you arrive so we can see you promptly. You can call on any of the phone numbers listed at the end of this leaflet to book an appointment.

If you have not made an appointment we will aim to see you within 30 minutes of your arrival at Merton Link reception, where possible. Please remember to ‘check in’ at reception so they can tell us you have arrived.

How to complain about our service

If you are dissatisfied with the service you have received you can contact the Democracy Services Manager or Officer to discuss. You can also make a formal complaint by contacting the complaints department on 020 8545 3864.

How else can we help you?

If you have individual requirements please let us know so we can do our best to help you. You can expect us to treat you fairly and with respect. You will not be disadvantaged because of your age, race, sex, religion, disability or sexual orientation. We will respond efficiently and sensitively at all times to the feelings and needs of our customers.
Overview and Scrutiny Customer Charter

If you need any part of this document explained in your language, please tick language box. Write your address and phone in the left box. Return this form to us at the address in the right box.

Albanian
Nëse keni nevojë për ndonjë pjesë të këtij dokumenti

Arabic
إذا كنت بحاجة إلى ترجمة اي جزء معين من هذه الوثيقة

Bengali
আপনি যদি এই দলিলের

Farsi
اگر خواهان توضیح هر بخشی از این نوشته

French
S'il vous faut une explication de n'importe quelle partie de ce document

Overview and Scrutiny Customer Charter

dans votre langue, nous vous prions de cocher la case convenant à la langue concernée. Ecrivez votre adresse et votre numéro de téléphone en bas de la feuille à gauche. Renvoyez-nous le présent formulaire à l'adresse indiquée ci-dessous.
Overview and Scrutiny Customer Charter

proszę zaznaczyć kwadrat z prośbą o tłumaczenie. Na dole, po lewej stronie należy podać swój adres i numer telefonu. Niniejszy formularz proszę wysłać pod podany poniżej adres.

Spanish
Si necesita que cualquier parte de este documento se explique en su idioma, le rogamos que marque la casilla de idiomas. Escriba su dirección y su número de teléfono en la parte de abajo a la izquierda. Envíenos este formulario a la dirección que se indica más abajo.

Tamil
Overview and Scrutiny Customer Charter

Tamil

Urdu

Overview and Scrutiny Customer Charter

Your contact
Name: ................................................
Address: ..............................................
.....................................................
Telephone: ...........................................
Merton External Scrutiny Protocol

Introduction

1. Under Merton Council’s constitution, the role of Overview and Scrutiny is to hold the Executive to account, to review and develop policy and to scrutinise the work and impact of external agencies on the local community. Since the original legislation in 2000 that introduced overview and scrutiny to local authorities, councils have been granted additional powers under the Health and Social Care Act 2001 in order to scrutinise the provision of health services.

2. New legislation (the Police and Justice Act 2006 and the Local Government and Public Involvement in Health Act 2007) now grants similar powers to local authorities to enable them to scrutinise effectively both crime and disorder matters and the work of Local Strategic Partnerships (LSPs)\(^1\). The Councillor Call for Action provision of the Local Government and Public Involvement in Health Act 2007 also provides a ‘last resort’ mechanism for overview and scrutiny to try to resolve persistent local service delivery issues of genuine community concern, where all efforts by a local councillor to find a solution through local action and discussion have been unsuccessful.

3. These powers are all intended to enable the overview and scrutiny function to hold service providers\(^2\) to account for their performance, including their work with a local authority to meet specific local targets.

4. These are positive developments: if there is to be further devolution of public service delivery to enable residents’ needs to be met more effectively, local government needs to strengthen its structures and processes of local accountability.

5. In order for the exercise of these new scrutiny powers to be effective, it is vital that all partners and stakeholders are engaged in the process and share a common understanding of Overview and Scrutiny’s aims. This protocol has therefore been developed to embody that understanding and set out the rights and responsibilities that relate to the parties concerned.

6. Scrutiny of other organisations external to the Council – whether in the public, private or voluntary and community sector – is also a key element of Overview and Scrutiny’s work and likely to increase in importance as councils and councillors develop their community leadership and place shaping role. For Overview and Scrutiny, this includes:

- involving local people and community organisations in scrutiny activity;
- developing a dialogue with service providers and other stakeholders outside the council;

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\(^1\) In Merton, this involves the work of two partnerships: Safer Merton (the Crime and Disorder Reduction Partnership) and the Merton Partnership (the LSP).

\(^2\) For the purposes of this protocol, the term ‘service providers’ refers to all local agencies or organisations whose activity affects the people who live, work or learn in the borough of Merton.
• taking up issues of concern to local people;
• reviewing whether goals are being achieved; and
• examining what can be done to solve problems and enhance performance and achievement.

7. This protocol is based on good practice principles for scrutiny and the standards set out below are intended to be applicable to all scrutiny activities involving organisations external to the Council.

8. A list of documents underpinning this protocol is set out at the end of this document.

Aims of Scrutiny

9. The overall aims of scrutiny in Merton are:

• To scrutinise the impact of the Council’s own services and those of key partnerships and other service providers on those who live and work in or visit Merton, with a view to improving their well-being, improving services and helping to deliver the aims of Merton’s Community Strategy 2006-15.

• To undertake the above work in accordance with the relevant legislation governing the operation of overview and scrutiny and with regard to best practice.

Underlying Principles of Scrutiny

10. The following underlying principles of scrutiny have been proved, in Merton and elsewhere, to assist in securing effective outcomes and adding value:

Collaboration

• Improvement in service delivery can best be achieved through partnerships between the Council and other service providers. This shared responsibility should be acknowledged in any scrutiny activity undertaken.

• Increasingly services are provided jointly or as the result of partnerships between the local authority and other public sector organisations or other partners. Scrutiny activities should therefore also reflect shared priorities, find shared solutions and be of mutual benefit.

• While scrutiny should be constructive and challenging, it will only be successful if all partners work together considerately, within a climate of mutual respect and good faith.

• Although collaboration is an underlying principle, Merton’s Overview and Scrutiny Commission is independent of other service providers and partners.
Added Value

- It is vital that scrutiny brings something new to reviews of local service provision and does not duplicate the many other forms of performance management and inspection that exist for public service providers.
- Scrutiny activities should make a distinct and positive impact and only be carried out where objective review by elected lay representatives will help progress to be made.
- Scrutiny activities should have a clear purpose. There should be a focus on improving services for and improving the well-being of those who live and work in Merton.
- The scrutiny process should be proactive in seeking out issues to examine that will add most value.
- Scrutiny should be prepared to examine issues that cross service or agency boundaries and make appropriate recommendations to tackle such issues, while being mindful of their potential implications for external organisations.
- Scrutiny should aim to develop feasible recommendations providing value for money by securing benefits that outweigh the costs of implementation.

Clarity

- Scrutiny should be a transparent process and encourage open and honest discussion.
- Scrutiny activities should be well planned and timely.
- Scrutiny of particular issues should be time-limited.
- Processes and reports should be clear and accessible to the public.

Knowledge

- Scrutiny reports must be evidence-based in order to provide credible conclusions and recommendations.
- Although members of scrutiny reviews will want to be informed, and training should be provided where appropriate, the scrutiny process is not meant to be an “expert” review.
- The scrutiny process should also be impartial, in the sense that it should be driven by the evidence rather than by a particular standpoint.

Accessibility

- It is a fundamental role for the scrutiny process to ensure that there is full and equal access to the democratic process through public involvement and engagement.
- The views and ideas of service users (and non-users), service providers and organisations and other agencies with an interest in the subject under review
are all valuable in effective scrutiny. Scrutiny should involve all stakeholders and take account of views of service users and the public, with particular efforts to engage groups that are harder to reach.

- Constructive engagement and clear lines of communication should enable a two-way flow of information between scrutiny and all those involved, including feedback of results.

Providing information to scrutiny

11. Overview and scrutiny will respect the requirements and provisions of the Data Protection Act 1998. The provision of information to scrutiny will be governed by relevant legislation\(^3\) and established protocols for the sharing of data.

12. Requests for information from scrutiny will clearly identify why the information is needed and what it is to be used for to enable the request recipient(s) to identify the appropriate information to be provided.

13. To facilitate the scrutiny process, relevant information will be pro-actively provided and requests for information promptly dealt with.

14. Where information requested is readily available and routinely collected, it will be provided within two weeks of receipt of the request.

Notice of required attendance at scrutiny meetings and/or submission of written reports

15. Forward planning of Overview and Scrutiny Commission and its Scrutiny Panels’ work programmes will normally ensure the provision of reasonable notice of requests for information/ the submission of written reports and/or required attendance of partners’ personnel at meetings.

16. All requests will contain a clear explanation setting out what is required and will be accompanied by information about the purpose and nature of the scrutiny. Advice from participating organisations will be taken by the Overview and Scrutiny Commission and Scrutiny Panels as to who is best placed to attend on their behalf in view of the issue to be scrutinised.

17. While some organisations (such as local NHS bodies under the Health & Social Care Act 2001 and the bodies deemed to be ‘responsible authorities’ under the Police and Justice Act 2006) are required by legislation to attend scrutiny meetings if summoned, it is hoped that other organisations not under such obligation will be willing to engage constructively with scrutiny and attend when requested to do so.

\(^3\) For example, under the Police and Justice Act 2006 (c. 48), Schedule 9 Amendments to the Crime and Disorder Act 1998, 5 (4), the provision to overview and scrutiny panels of personal data (within the meaning of the Data Protection Act 1998) is excluded; and under the Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002, Statutory Instrument No.3048 (2002), so is the provision of confidential information which relates to and identifies a living individual.
Format, sign-off and final deadlines for written reports

18. Merton Council’s standard scrutiny report format should be used for all written reports to the Overview and Scrutiny Commission and Scrutiny Panels. An electronic copy of the scrutiny report format, including advice to report authors, will be provided by a Democratic Services officer whenever a report is being requested.

19. All reports to the Overview and Scrutiny Commission/Scrutiny Panels must be submitted, in the first instance, to the relevant Scrutiny Officer by the deadline stated in the timetable provided by the Democratic Services Officer to meet the requirements of Access to Information legislation.

20. Once received, the Scrutiny Officer will arrange internal sign-off of the covering report. This may include the addition of information on any legal, financial or other significant implications of the report for Merton Council.

Availability of meeting papers

21. Papers for meetings of the Overview and Scrutiny Commission and Scrutiny Panels will be sent by the Democratic Services Officer to the appropriate partner scrutiny lead and also to those who are providing reports and/or making presentations at each particular meeting. Papers are dispatched so as to allow at least 5 full working days between dispatch and the scrutiny meeting, in order to meet the requirements of Access to Information legislation and enable interested parties to read the documents.

22. Arrangements will be made with partnerships to ensure that participating organisations/member bodies receive agendas and relevant papers. Any other organisations wishing to receive papers on a regular basis can ask the Democratic Services Officer to add them to the distribution list.

23. Meeting papers can also be viewed on the Council’s website at www.merton.gov.uk/committee

Style and conduct of meetings

24. Where external organisations are invited to attend scrutiny meetings, the meetings will be conducted in accordance with the principles and procedures set out in the Scrutiny Procedure Rules and Access to Information Procedure Rules of Merton Council’s Constitution. In particular:

- those attending scrutiny meetings will be given an indication of the likely time they will be asked to participate and the duration of their involvement in the meeting: as far as possible, all members of the panel will ensure that this is honoured;
- those assisting a scrutiny panel by giving evidence will be treated with respect and courtesy;
- meetings will be conducted fairly and non-aggressively and in a manner that seeks out information, rather than placing blame;
• all members of the panel will be given the opportunity to ask questions of attendees, and to contribute and speak;
• attendees are expected to maintain a positive and objective style of discussion and answer questions honestly and openly;
• everyone who attends meetings is expected to use jargon-free language as far as possible; and
• every person who attends a meeting to give evidence or answer questions shall identify themselves, state the capacity in which they attend and their authority to speak on behalf of any body or organisation and if required declare any personal interest in the business of the meeting.

25. Most overview and scrutiny panel meetings are ‘open’ and held in public in order to be as transparent as possible. But there is provision for meetings or parts of meetings to be held in private, with the press and public excluded, in order to consider exempt or confidential information (as defined by the Local Government Act 1972). Advice is available from the Scrutiny Team if all or some of evidence to be submitted to a panel might fall into either of these categories.

The involvement of other organisations/groups and members of the public

26. The input of other organisations and groups is recognised as being essential to the success of scrutiny.

27. Where organisations or groups are formally invited, in advance of the relevant Panel meeting, to make a presentation to - or ask questions at - the Panel on a scrutiny matter, the appropriate partner lead(s) will normally be notified at the earliest opportunity. In any event, formal presentations should normally be indicated on the agenda.

28. Organisations/groups and any other members of the public attending meetings (as either representatives of organisations/groups or as individuals) will not be required to provide their questions in advance of the meeting.

29. Where scrutiny seeks to engage with the third sector (voluntary and community groups), it will respect the principles of the Merton Compact.

Reports and recommendations

30. Where the Overview and Scrutiny Commission or a Scrutiny Panel makes a written report, including any recommendations, to a partner organisation, the report shall include:
• an explanation of the matter reviewed or scrutinised;
• a summary of the evidence considered;
• a list of the participants involved in the review or scrutiny exercise; and

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4 More details can be found in the Council’s constitution, Part 4B, ‘Access to information procedure rules’, paragraphs 10.1-10.5.
5 http://www.merton.gov.uk/mertoncompact_bookletv3.pdf
• any recommendations on the matter reviewed or scrutinised, including an indication of the costs associated with implementing the recommendations.

31. The written report provided to a relevant partner authority must exclude any confidential information, and may exclude any relevant exempt information (as defined in the Local Government Act 1972). The Overview and Scrutiny Commission or Scrutiny Panel may replace so much of the document as discloses the information with a summary which does not disclose that information. The Overview and Scrutiny Commission or Scrutiny Panel must do so if, in consequence of excluding the information, the published document or the copy provided to the partner authority would be misleading or not reasonably comprehensible.

32. Where appropriate and possible, draft reports will be circulated to the relevant body/bodies with an invitation to comment, in writing and to a deadline, on the report’s factual accuracy.

33. Final reports and recommendations may also be forwarded to other Council committees, organisations and to the media, as the Overview and Scrutiny Commission/Scrutiny Panel may determine.

34. Partner organisations receiving reports and recommendations from the Overview and Scrutiny Commission/Scrutiny Panels are expected to respond within a period of two months (except for statutory health bodies which are obliged by legislation to respond within four weeks). Arrangements will be made to ensure that relevant bodies receive copies of such reports or recommendations directly, in advance of their appearing on the next available partnership agenda.

How partners will ‘have regard to’ and/or consider and respond to Overview and Scrutiny reports and recommendations

35. The Local Government and Public Involvement in Health Act 2007 gives the Council’s overview and scrutiny function specific new powers to require relevant partners to have regard to a scrutiny report or any of its recommendations that relate to a local improvement target which a) is specified in Merton’s Local Area Agreement; and b) relates to a relevant partner authority. These powers are in addition to powers (under the Health and Social Care Act 2001 and the Police and Justice Act 2006) that already exist requiring consideration of reports and recommendations and a response from health service bodies and the authorities responsible for crime and disorder strategies.

36. However, it is expected that all organisations will, in support of the aims of scrutiny and in the spirit of the principles set out in paragraph 10, consider and respond to all Overview and Scrutiny reports and recommendations addressed to them, irrespective of whether they are legally obliged to do so.

Resolving disputes about the protocol

37. If a partner or external organisation believes that this protocol is not being adhered to, the issue should be referred to the Overview and Scrutiny Commission for consideration and decision.
Review of protocol
38. This protocol will be reviewed jointly on an annual basis or more frequently if experience and circumstances highlight that amendments may need to be made.

Availability of support
39. Further advice or information on any aspect of this protocol or on overview and scrutiny at Merton Council is available from the Scrutiny Team, Chief Executive’s Department, Merton Civic Centre, London Road, Morden SM4 5DX
Telephone: 020 8545 3857
E-mail: scrutiny@merton.gov.uk
Website: www.merton.gov.uk/scrutiny

Background documents
40. The following documents underpin this protocol:
- Local Government Act 2000
- Health and Social Care Act 2001
- Local Government Act 2003
- Police and Justice Act 2006
- Local Government and Public Involvement in Health Act 2007
- Merton Council’s Constitution
- Overview and Scrutiny Handbook, London Borough of Merton
- Data Protection Act 1998