

Local Area Agreement Scrutiny Protocol

1.0 Purpose of the Protocol

- 1.1 In order that the exercise of the scrutiny powers relating to the Local Area Agreement (LAA) are effective, it is important that all partners understand the aims and objectives of scrutiny and are fully engaged in the process.
- 1.2 The aim of scrutiny of the LAA is to review the impact of services provided by partners and to deliver improvements in service delivery to benefit local communities.
- 1.3 In doing so it is important that the scrutiny process is transparent, positive and constructive but also sufficiently challenging to ensure that the process adds value and delivers improvement.
- 1.4 This protocol is designed to inform and guide the working relationship between local Scrutiny authorities and partners in relation to Scrutiny of the LAA and to provide operational guidelines on how this will be conducted in practice.
- 1.5 The protocol is intended for use by officers and Members of Scrutiny authorities and organisations responsible for the delivery of the LAA. A full list of organisations in the LAA is attached at Appendix A.
- 1.6 The following scrutiny organisations have agreed to adopt the Protocol:

*Amber Valley Borough Council
District of Bolsover Council
Chesterfield Borough Council
Derbyshire Dales District Council
Derbyshire County Council
Erewash Borough Council
High Peak Borough Council
North East Derbyshire District Council
South Derbyshire District Council*

2.0 Background

- 2.1 The legislation governing Scrutiny is:

- The Local Government Act 2000 which gave Scrutiny the powers to scrutinise the decisions made by council executives and also the services provide in relation to any matter affecting the area and its inhabitants.
- The Health and Social Care Act 2001 provided County Councils with the power to scrutinise health services provided or commissioned by local health bodies.
- The Local Government and Public Involvement in Health Act 2007 provided County Councils and District Councils in two-tier areas with the power to scrutinise contributions to the LAA. This includes a duty to co-operate. (See 2.2 below)

2.2 In terms of Scrutiny, the duty to co-operate means that in relation functions or service delivery of the LAA, partners must if requested:

- Appear before a local authority scrutiny committee or working group.
- Provide information to a local authority scrutiny committee or working group.

2.3 In addition, partners must also have regard to any recommendations made by Scrutiny.

3.0 Scrutiny Work Programmes

3.1 Each Scrutiny authority will develop their own annual work programmes.

3.2 There may be occasions where local authorities undertake scrutiny reviews jointly. In such circumstances, a “Lead Authority” and “Lead Officer” will be identified in order to give partners under scrutiny a first point of contact.

3.3 Scrutiny authorities will be consulted on all proposed work plans in order to avoid duplication and to co-ordinate work programmes.

3.4 Partners will be advised on all matters affecting them which are proposed to be included in work programmes and will be given the opportunity to comment.

3.5 At least 28 days notice will be given to partners of the intention to undertake a scrutiny review. Some matters will however, inevitably arise during the course of the year which will need to be added to work programmes at short notice.

- 3.6 Individual Scrutiny authorities will have their own criteria for selecting subject areas for review.
- 3.7 The final decision as to whether a matter should be included in a work programme rests with the appropriate Scrutiny Committee of each Local Authority.

4.0 Conduct of Scrutiny Work Involving Partners

- 4.1 Scrutiny reviews may be carried out in different ways depending on the subject, nature of the review and membership of the review group. The conduct of individual reviews will as far as possible be agreed at the scoping report stage. Partners will have the opportunity to have an input in to scope of the review and how it will be conducted and will be advised of any significant variations to the original scope which arise during the review process.
- 4.2 The final decision on the conduct of Scrutiny work rests however, with the appropriate Scrutiny Committee of each Local Authority.

5.0 Attendance at Scrutiny meetings by Partner Representatives

- 5.1 Officers/Members of partner organisations requested to attend Scrutiny meetings will under normal circumstances be given at least 28 days notice of the meeting. There may be circumstances however, where it may not be possible to give this length of notice.
- 5.2 Under normal circumstances the officers/Members requested to attend meetings to give evidence on Scrutiny will be identified at the scoping report stage. Again, there may be circumstances where this is not possible. In all circumstances, Chief Officers of partner organisations will be notified when it is intended to involve an officer from their organisation.
- 5.3 Officers/Members from partners attending meetings will be briefed in advance of the meeting by the Scrutiny officers regarding the purpose of the meeting, its format and the subject matter. Any relevant papers will be provided to those attending.
- 5.4 Meetings will usually be conducted in accordance with the standard rules and procedures of the council conducting the review as set out in their Constitutions. In the case of joint reviews, rules and procedures will be agreed between participating authorities.

- 5.5 Those attending scrutiny meetings will be treated fairly with respect and courtesy.
- 5.6 It is accepted that there may be occasions when officers are unable to give full answers to questions at meetings without seeking advice or further information. In such instances either another meeting will be convened or a written response will be acceptable.
- 5.7 Scrutiny Committee meetings are open to the public to attend except on rare occasions when the business under discussion is confidential.

6.0 Information Provided by Partners in support of Scrutiny Work

- 6.1 A Scrutiny Committee or associated working group will be entitled to copies of any document which is in the possession or control of partners and which contains material relating to any business transacted at a meeting of the partner or its committees with the exception of:
 - (a) any document that is in draft form;
 - (b) any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise.
- 6.2 Under normal circumstances, a Scrutiny Committee or associated working group would expect to receive information within 20 days of the request being made.
- 6.3 Written reports requested by a Scrutiny Committee should be available at least 7 days prior to the meeting.

7.0 Reports by Scrutiny on matters affecting partners

- 7.1 At the outset of Scrutiny reviews, all scoping reports will be circulated to relevant partner organisations.
- 7.2 For both scoping reports and final reports, comments on matters other than accuracy will be considered but the final say regarding

the wording of reports rests with Scrutiny Committees or associated working group.

- 7.3 Under normal circumstances, a maximum of 20 days will be allowed for comment by partners on all Scrutiny reports where their input is required.
- 7.4 Final Scrutiny reports will be circulated to partners who have contributed to the review process.
- 7.5 Reports that contain recommendations for partner organisations that have been agreed by Scrutiny Committees will usually be presented to the next available meeting of governing body of the partner organisation for them to receive and to report back to Scrutiny Committees, usually within 2 months, as to whether they accept the recommendations, either in full or in part.

8.0 Reports to Scrutiny by partners

- 8.1 Reports to Scrutiny Committees are generally public documents and are subject to the Access to Information rules on publication and notice.
- 8.2 Under normal circumstances at least 28 days notice will be given of the need for a report to be produced for a Scrutiny Committee or associate working group. There may be exceptions however, when this is not possible and where reports need to be produced at shorter notice or as a matter of urgency.

9.0 Matters of Dispute

- 9.1 If a partner organisation considers that the protocol is not being adhered to, the issue should be referred to the appropriate Scrutiny Committee. In the case of joint reviews, the matter should be referred to the Scrutiny Committee of the authority leading the review.
- 9.2 If agreement is not reached, or if an issue can not be resolved by the scrutiny committee, the matter may be referred to the Scrutiny Liaison Group.

10.0 Review of the Protocol

- 10.1 The protocol will be reviewed annually by the Scrutiny Liaison Group.

11.0 Scrutiny Contacts

The contact details of Lead Scrutiny Officers of the Councils which have adopted the protocol are set out below:

List to be added.

16 January 2009.

Draft