

# OVERVIEW AND SCRUTINY HANDBOOK

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Essex County Council

## **Essex County Council**

### **Overview and Scrutiny Handbook**

This handbook provides an introduction to the scrutiny function at Essex County Council (the Council). It includes advice for county councillors, external partners and members of public who are involved or interested in how the Council fulfils its scrutiny responsibilities.

The scrutiny function at the Council is undertaken by Policy and Scrutiny Committees, each looking at a particular area of the Council's responsibilities. These committees will often work with Cabinet Members to develop and review policies. They can also question decisions made by Cabinet Members and make recommendations on how they could be improved. To do this, they undertake reviews and consider evidence from experts or the general public on particular policy issues. The meetings of the Committees are open to the public.

Members of Policy and Scrutiny Committees can also form smaller 'Task and Finish' groups to look closely at particular issues, reporting back to the relevant committee or committees.

This Handbook:

- provides a brief overview of the Council's current scrutiny committees;
- introduces the approach to scrutiny within the Council and sets out good practice in undertaking scrutiny reviews; and
- outlines the roles that can be played in scrutiny, and the skills needed to perform those roles.

In terms of guidance, the handbook is not intended to be prescriptive, but to suggest ways of working that can help councillors make informed choices about the ways in which reviews are carried out and committees plan and deliver their work programmes.

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## **General Background to Overview and Scrutiny at Essex County Council**

The Local Government Act 2000 (Section 21) introduced a new approach to decision-making in councils (sometimes described as the 'Executive/Scrutiny' model) that required councils to appoint Executive councillors (commonly known as Cabinet Members) to propose and implement policies, and non-executive councillors to review policy and scrutinise decisions.

The aim of overview and scrutiny in local government is to make the decision-making process more transparent, accountable and inclusive, and drive improvement in services. For scrutiny to be effective, the process must be open, fair, constructive and positive. The aim is to challenge and hold people to account in order that improvements can be made, not to apportion blame when things go wrong.

The Local Government Act 2000 established the following key responsibilities for scrutiny:

1. Holding the Executive to Account – this means scrutinising executive decisions before and/or after they are made or implemented.
2. Policy Development and Policy Review - this means influencing and shaping the formulation of key Council policies before implementation. This can take a number of different forms including proposing new policies; commenting on draft policies; and examining which intended policy outcomes have been achieved.
3. Review of Council Services - scrutiny is used to review services, monitor Council performance and ensure standards are being met.

These responsibilities can be delivered in a number of different ways, for instance within formal committee meetings, as the subject of time limited Task and Finish groups (more information is provided on these groups further on in this document) or within working groups and other less formal arrangements. As well as services delivered directly by the Council, Scrutiny Committees can consider the impact of work undertaken by outside bodies or partners in the community.

The scrutiny process should be inclusive and aim to ensure that all those who wish to contribute - whether as councillors, officers, co-optees, specialists, partners and stakeholders or members of the public giving evidence - feel valued and are able to speak freely and openly.

The Scrutiny function does not have the power to implement changes or take decisions itself. Instead, it can raise issues and make suggestions for change often in the form of formal recommendations. Therefore, to be effective, overview and scrutiny must be able to influence decision-makers such as Cabinet Members. There is an agreed protocol for working relations between

Overview and Scrutiny Committees and the Cabinet, setting out the expectations on both sides. This can be found [here](#).

In May 2019, the Ministry of Housing, Communities and Local Government published its [Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities](#). This is the most significant government guidance published on scrutiny since that issued as part of the introduction of the 2000 Act. The guidance is aimed at authorities to help them carry out their overview and scrutiny functions effectively. It provides advice for senior leaders, members of scrutiny committees and the officers who support them. The guidance develops the ways that scrutiny functions should evolve.

Elements that contribute to the effectiveness of Scrutiny include:

- Provide constructive ‘critical friend’ challenge,
- Amplify the voices and concerns of the public,
- Be led by independent people who take responsibility for their role, and
- Drive improvement in public services.

The scrutiny process is not designed to deal with:

1. Very localised matters or individual concerns that are not of wider significance to the community,
2. Individual complaints that should be addressed through the Council's Complaints Procedure,
3. Matters that are subject to legal proceedings, or disciplinary or grievance matters,
4. Matters that are prejudicial to the Council's interests,
5. Matters that are appropriate for the Standards Committee, and
6. Matters that are clearly party political in nature.

## Context and Political Organisational Structure at Essex County Council

The overview and scrutiny structure and procedures are set out in the Council's Constitution. This outlines how the Council operates, how decisions are made, and the rules and procedures which are followed to ensure that these are efficient, transparent and accountable to local people.

The current version of the Constitution is available to view [here](#). The constitution refers to scrutiny in four main sections as follows:

- Article 9 – Overview and Scrutiny Committees

This section of the Constitution contains information about the scrutiny committees at the Council. This includes the remits of three of ECC's scrutiny committees:

1. Corporate Policy and Scrutiny Committee
2. Place Services Policy and Scrutiny Committee
3. People and Families Policy and Scrutiny Committee

- Article 10 - Health Overview Policy and Scrutiny Committee

This includes information on the fourth of ECC's scrutiny committees, including its remit and the specific guidance surrounding this committee.

- Part 4 - Procedure Rules - Overview and Scrutiny Committee Procedure Rules
- Part 4 – Procedure Rules - Health Overview Policy and Scrutiny Committee Procedure Rules

## **Role of the Scrutiny Board**

The Scrutiny Board has the responsibility for managing and guiding the scrutiny function. It is made up of the Chairmen of the four scrutiny committees, the Chairman of the Audit Committee (one of whom shall be elected the Scrutiny Board's Chairman) and the Vice Chairman of the four scrutiny Committees. The terms of reference are as follows:

- i. To have overall responsibility for the direction and management of the Council's overview and scrutiny functions.
- ii. To ensure that overview and scrutiny activity reflects the aims of the Corporate Plan and adds value to the organisation, whilst recognising that on occasion Opposition Members may not support those aims.
- iii. To champion overview and scrutiny within the organisation and the community at large.
- iv. To co-ordinate the work of the Overview and Scrutiny Committees.
- v. To ensure the best use of the resources available for overview and scrutiny.
- vi. To ensure there are suitable mechanisms in place to monitor the outcomes of recommendations of Overview and Scrutiny Committees.
- vii. To ensure that cross-cutting reviews are properly dealt with.
- viii. To keep the Council informed of the work of overview and scrutiny.
- ix. To agree work methods and protocols for the Overview and Scrutiny Committees and to disseminate best practice.
- x. To raise issues with Cabinet Members, the Chief Executive and Leader as appropriate.
- xi. To raise issues with partners and outside organisations as appropriate.
- xii. The Chairman of the Board to be responsible to the Council for the effectiveness of the Scrutiny arrangements.

# **The Role and Responsibilities of Overview and Scrutiny Committee Members**

## **Membership of the Overview and Scrutiny Committees**

Overview and Scrutiny committees are made up of elected councillors, more often referred to as 'members', who do not have executive responsibilities on the council (it is set out in legislation that this must be the case). Some committees may also have other people among its membership who are referred to as co-opted members (sometimes called 'co-optees') who are not councillors.

## **Councillors**

Councillors serving on scrutiny committees should strive to put party political considerations aside, focussing instead on achieving best outcomes for the community. Overview and Scrutiny is an important mechanism for enabling councillors to represent the views of their constituents and other organisations to a council's executive i.e. the Cabinet, and to ensure that these views are taken into account in the development of policy.

The places on the committees are shared between the political parties with seats on the Council. The seats are allocated in proportion to the number of seats each party holds on the Council as a whole. The membership of each committee is proposed by the political groups and is ratified by Full Council.

If Overview and Scrutiny is to be effective it must maintain and (to have the confidence of all county councillors and the public) be seen to maintain, an appropriate measure of separation from the Council's political leadership and executive. The statutory guidance emphasises that an independent mindset is fundamental to being able to carry out scrutiny work effectively.

## **Statutory Education Representatives**

Overview and Scrutiny committees are required to deal with education matters under the Local Government Act 2000. Under the Overview and Scrutiny Committee Procedure Rules set out in the Council's Constitution there are four committee posts reserved on the committee that has education either wholly or in part within its portfolio for external education representatives. They are eligible to speak on all matters within the committee's remit and to vote on all education related issues.

The representatives are:

- (i) One Church of England diocese representative;
- (ii) One Roman Catholic diocese representative; and
- (iii) Two parent governor representatives.

The Bishop for the Church of England local Diocese and the Bishop for the Roman Catholic local Diocese are each invited to nominate a representative to the Committee. The Council periodically writes to maintained schools to invite nominations for the Parent Governor representatives on the Committee.

### **Co-opted Members**

Separately from the specific requirements for statutory education representatives, other persons (i.e. not county councillors) may also be part of the membership of OS committees either on an ongoing basis or for individual reviews. Such people are referred to as co-opted members, and they do not usually have the right to vote. There is, however, a power in the Local Government Act 2000 to enable the Council to make a voting rights scheme for co-opted members.

Co-opted members will be invited to all committee activities and have access to the same information as other committee members and can fully contribute to discussions, questioning and making recommendations in scrutiny reports.

Co-opted members may act as external 'experts' on committees. Expert co-opted members can be particularly useful when there may be some misperception of what the Council is seeking to achieve, or an independent perspective is desirable. Additionally, co-option may be used as a way of establishing long-term working relationships with the Council as a source of external expertise.

Health and social care scrutiny is an area where co-option is particularly appropriate because of the wide range of patient support, and independent sector projects in the field. A representative from Healthwatch Essex works closely with, and sits as an observer at meetings of, the scrutiny committees overseeing health and social care.

### **Advisers or Consultants**

Committees can invite advisers to join them. They may be appointed on a permanent basis or be invited to particular meetings. They have an informal role and are not full members of the committee. Advisers can offer particular support to the chairman and support officers by suggesting appropriate lines of inquiry, identifying relevant research and evidence, suggesting possible witnesses and even helping to draft reports. It is possible that Council officers can also fulfil this role.

### **The Role of the Overview and Scrutiny Member**

The Centre for Public Scrutiny has developed four core principles of good scrutiny, namely:

- It provides 'critical friend' challenge to executive policy-makers and decision-makers.
- It enables the voice and concerns of the public.

- It is carried out by ‘independent minded governors’ who lead and own the scrutiny role.
- It drives improvement in public service.

To deliver these core principles, members of Overview and Scrutiny committees must:

- provide leadership and direction for the work undertaken;
- be responsible for developing appropriate and proportional recommendations resulting from this work; and
- monitor the progress of actions taken to deliver recommendations once accepted and assess the impact of these actions – i.e. what has the scrutiny activity actually delivered.

All committee members have an individual and collective responsibility to play an active part in scrutiny meetings by reading agenda papers, contributing to discussions, asking questions, suggesting lines of inquiry, assessing evidence, highlighting or giving greater prominence to service user concerns and producing recommendations. Overall the success or otherwise of a review is intrinsically linked to the contribution made by each individual member.

- **The Role of the Overview and Scrutiny Committee Chairmen**

### **The Chairman**

As scrutiny is a member led process, the role of a Chairman and their relationship with the officers who support their committees is important. The role includes:

- Having a key role to play in setting agendas, monitoring the progress of ongoing work and developing the work programmes.
- Responsibility for ensuring that discussions at meetings are focussed and inclusive, and that there is a clear understanding of the outcome of the discussion.
- Taking a lead in preparing a question plan before a witness is invited to give evidence.
- Setting the tone and atmosphere of scrutiny meetings and ensuring that everyone present is treated with respect. Scrutiny is about understanding the issues and recommending improvements, not about confrontation or blame.
- Acting as the spokesperson for the committee and presenting and championing the findings and recommendations that are developed through scrutiny processes.
- Building relationships with key stakeholders and officers.
- Working collegiately with Vice Chairmen in providing leadership and direction.

## **Operation of Task and Finish Groups**

Committees may establish smaller working groups or panels to conduct individual reviews. Such groups are referred to as task and finish groups (referred to as 'TFGs' or 'groups').

TFGs operate on a relatively informal basis and provide a forum for information gathering and discussion between group members and officers. TFGs are not formally constituted as committees and their meetings are usually held in private, although they may decide to hold some meetings in public. They may also be set up as joint groups to discuss issues that cut across the responsibilities of more than one committee. TFGs will cease to exist once they have finalised their initial reports but may be reconvened with the agreement of the committee if necessary. This would be by exception, as a key feature of a TFG is that they are established to consider a particular issue and are time limited on that basis.

When a committee forms a TFG, it will maintain responsibility for overseeing the work being done by that group and will monitor progress to ensure that the work is completed. The work of the TFG must be submitted to its parent committee for endorsement, and onward submission to the executive.

A key benefit of TFGs is that they are more agile than formal committees. They can work flexibly and use a broader variety of methods and communication to conduct their business.

Despite these flexible working practices, meetings of TFGs will still require some structure to ensure that they operate effectively. The group is responsible for developing this structure and ensuring that all key matters are covered. Groups will need to reach conclusions based upon the evidence considered and seek support for any recommendations from the parent committee.

TFGs may be working with sensitive information or looking at difficult or controversial subjects. In these circumstances it may be important for working papers and discussions to remain confidential until the TFG has agreed its final report or drawn together its recommendations. The final report of a TFG becomes a public document once it is agreed and published as part of a committee agenda.

### **Membership**

Membership of a TFG will initially be drawn from the parent committee. However, other non-Executive councillors may be appointed for particular reviews where their particular membership may add value depending on their knowledge, interest and commitment to deal with the matter being

investigated. TFG membership will be open to members of all political groups but not necessarily on a strictly proportional basis.

The size of each TFG will vary, usually between a minimum of three members and preferably no more than six, according to the purpose for which it is established. The membership should not change once a review is underway as all group members will be required to receive and hear all evidence in order to make informed recommendations at the end of the process. For the same reason, substitutions to TFGs are not permitted.

A TFG may appoint non-voting co-opted members. Co-opted members will have an opportunity to influence the TFG's lines of enquiry, but they will not be able to take part in any vote, if one takes place. Diocesan Board and Parent Governor representatives must be invited onto any council body that deals wholly or in part with education matters and may vote on those matters.

### **Task and Finish Group process**

A typical pattern for a TFG's review is set out below. However, the pattern of each review will depend upon the topic under consideration.

<b>Member roles</b>	<b>Task</b>	<b>Officer support</b>
The committee chooses the review topic, sets up the TFG and agrees the terms of reference	1. Setting up the review	Officers advise on proposed topics, taking into account Council priorities and other review work
The TFG scopes the review, taking into account the resources available	2. Scoping the review	Officers advise on scope and capacity and help to complete the scoping template
The TFG gathers evidence from appropriate sources, including publications, websites, visits and meetings with the public, stakeholders and experts	3. Gathering the evidence	Officers assist with research and make arrangements for meetings and visits
The TFG evaluates the evidence, draws conclusions and recommendations and draft the report for endorsement by the parent committee	4. Reviewing the evidence and preparing the report	Officers support members in analysing the evidence, check recommendations and draft the detailed report
The committee chairman presents the report to the executive for consideration	5. Presenting the report	Officers provide advice on the most appropriate point for the report to enter the political system; the report will be publicly available
The committee provides feedback to contributors.	6. Action and Feedback	Officers help to ensure that agreed

The Cabinet is responsible for the implementation of agreed actions		actions are implemented
The committee monitors progress and carries out further scrutiny if not satisfied	7. Monitoring	Officers provide progress reports as requested

## **Committee Activity and Meetings**

### **Committee Activity**

In broad terms committee activity can be described as:

- Formal business such as agreeing reports and recommendations, consideration of the work programme, call ins and petitions;
- Individual reviews where the prime focus of activity is the gathering and consideration of evidence. These may be conducted by a committee or a smaller body (Task and Finish Group) that may be set up to investigate a topic and report its findings and conclusions back to the parent body for endorsement; and
- Information or knowledge sharing to support members in developing a practical understanding of the way that services work or are provided in respect of topics under review, or to identify topics that require a review.

There are a variety of ways of working that Overview and Scrutiny committees may adopt to conduct their work such as formal committee meetings that are open to the public, Task and Finish Groups, briefings, workshops, site visits and questionnaires. Ultimately the success or otherwise of a committee will be its ability to influence the Council's broader activity through its members' investigations and recommendations.

### **General approach to agenda preparation for meetings**

This following information is provided by way of practical guidance that can be applied to the organisation of meetings in general.

The chairman is responsible for drawing up the agenda for each meeting in advance with the relevant committee colleagues and officers. This preparation is key to ensuring that a meeting runs smoothly and its objectives are achieved.

The following questions are suggested as a checklist to underpin effective, well-structured and informative agendas, as well as assisting in the drawing up of itineraries for site visits:

- Have all worthwhile items been considered for inclusion?
- Are the items arranged in order of importance (most important first)?
- Are there too few/many items?
- Are the items worded clearly?
- Will Members understand the point of including the items?
- Do any items need to be grouped with others?

- Is there enough time to read all of the supporting information?
- Has the agenda been arranged so that those involved in only one or two items can leave the meeting?
- Are confidential items placed at the end of the agenda?
- Have adequate timings been allocated to each item?
- Does there need to be a break?

## **Planning or Pre-meetings**

Planning or pre-meetings provide a forum for members to plan an OS committee's work and discuss the preparatory work that needs to be undertaken. Best practice is to hold a private pre meeting with all Committee Members present in the days prior to the formal meeting. This allows time for any additional scoping to be undertaken, and for key lines of enquiry to be formulated.

It is also recommended for the Chairs and Vice-Chairs to meet with the relevant Cabinet Member and lead officers in the week prior to agenda publication, to set expectations for the formal meeting and provide context for the item coming before the Committee. This ensures that all attendees are on the same page prior to the publication of the agenda and the formal meeting itself.

Through a combination of good preparation and good practice by all those involved, scrutiny meetings should be a productive and beneficial forum for all those involved.

## Skills for the Scrutineer

### Key Skills

The key skills that a member will need to be successful in Overview and Scrutiny are:

- Questioning skills - the ability to probe witnesses for information and ask the right questions without appearing aggressive.
- Listening skills - to be able to actively listen to the information being put forward, including the views of others in order to make objective, evidence based recommendations.
- Balancing evidence – to be able to weigh up evidence from different sources which may conflict and reach conclusions.
- Project Planning - the ability to select meaningful topics linked to the Council's priorities, to establish programmes and to bring reviews to a conclusion taking into account resources and timescales.
- Team working - to be able to work effectively as a team with Members from other political groups to achieve a common goal.
- Analytical skills - to be able to review and interpret data and information and reach conclusions.
- Chairing skills – aside from the Chairman of an Overview and Scrutiny Committee, a Member may be asked to lead a Task and Finish Group review which will involve working with Scrutiny Officers to effectively plan and lead meetings.

The ability to extract information through questioning is one of the most important skills for members of OS committees. When participating in a scrutiny meeting, members should remember that the aim of the meeting is not to catch witnesses out, but to gain important information that will help them to form recommendations. While asking difficult questions may be acceptable, destructive and hostile questioning will prove to be counter-productive.

Members cannot possibly be an expert in every field under scrutiny and may feel uneasy questioning witnesses who are experts in a particular area. However, questioning from a position of naivety can be beneficial as it enables members to challenge the accepted wisdom of officers and better represents the perspective of the community. Sometimes the most effective questions are the most simple:

- Why do we do this?
- Why do we have to offer this service?

- Why do we do it in this manner?
- Why is it not joined up?
- What difference has this made?
- Why do we do one thing instead of another?
- Why has this approach been adopted?
- How does this fit with existing plans?
- How well does this reflect community priorities?
- What are the strengths and weaknesses of doing it this way?
- What are your views on doing 'x' or 'y'?
- How is this being done elsewhere?
- What are the things you would do to make a difference?
- What are the main barriers that you want to break down?

Even where subjects are highly complicated, using simple questions asked in layman's terms will help to ascertain the required evidence. Asking these simple questions can also help to ensure that the information is provided in a less complex format in future by highlighting the areas that are not easily understood.

Developing more effective questioning skills is explored later on in this section. However, closely aligned to questioning is the way that we develop our listening skills in meetings.

### **Listening in groups**

It is important to be able to listen effectively when several people are present. Within groups, individual contributions must necessarily decrease, so the listening role becomes even more important.

Keeping constantly aware of the overall objective of the inquiry, the meeting or the occasion may aid positive listening.

### **Effective Listening**

Ten tips for effective listening:-

- (1) **Be prepared to work hard at listening.** Courtesy counts. Concentrate on what the speaker is saying. Try not to be distracted by the environment. Avoid side conversations whilst others are speaking.
- (2) **Demonstrate interest and involvement.** Use attentive body language by an open and relaxed posture facing the speaker, maintaining good eye contact (without staring), using appropriate facial expressions, avoiding fiddling with papers and pens, and interrupting.
- (3) **Find areas of interest.** Try not to ignore dry subjects.
- (4) **Withhold judgement or evaluation** until the entire point has been presented. Listen and learn and defer judging until you fully understand

what the speaker means. Defer probing until you have a rounded picture of what the speaker is saying.

- (5) **Judge content not delivery.** Overlook errors in delivery and try to retain focus even if delivery is poor.
- (6) **Listen for ideas and central themes.** Avoid focusing too much on individual facts and overlooking the bigger picture.
- (7) **Keep an open mind.** Try not to react to emotive /emotional ideas. Don't enter into arguments.
- (8) **Allow sufficient time** both for the speaker to develop what they want to say and for follow up.
- (9) **Help the speaker** to get their points across clearly. Be clear about the level of information required.
- (10) **Clarify and summarise** and reflect back points to the speaker to check understanding.

## **Effective Questioning**

### **1. Good questions**

A good question:

- has a definite aim or purpose
- is relevant
- is clear and unambiguous
- can be understood by the respondent
- is asked well
- is timed appropriately.

### **2. Strategies for questioning:**

- Be very clear in advance about the intention of any inquiry. Plan whether to receive evidence in written form or face-to-face. Prepare thoroughly and give contributors sufficient information to enable them to participate effectively.
- Avoid conflict, aggression and competition within inquiries or meetings leading to a win-lose approach. Groups with a higher level of co-operation tend to be more effective than those where competition is

prevalent. Being orientated towards the overall objective of the inquiry rather than in 'winning' will improve the ability of potentially opposed individuals to listen to each other.

- Encourage contributions from everyone, including quieter people, whose hesitant contributions may have more to offer than confident or verbose ones. Move on to probing questions as the speaker becomes more settled and confident.
- Establish trust and openness within the committee.
- Take personal responsibility for participating in inquiries. Focus on asking questions to elicit responses, not contributing your own thoughts and ideas.
- Empathetic and supportive body language, including 'mirroring' postures, may help to put nervous speakers at ease.

Further advice on questioning skills from the Centre for Public Scrutiny can be found [here](#)

## Health Overview and Scrutiny

Health scrutiny is somewhat different in character from the Council's other scrutiny activity:

- It has separate and specific legislation and statutory guidance empowering the Council through its scrutiny function to hold health commissioners and providers to account on the planning, provision and operation of health services in the local area.
- As a result of that legislation the Council is required to have a scrutiny committee to undertake that role (although the committee does not need to be a solely dedicated to that role and can be fulfilled by a committee with other responsibilities as well) - at present, the Council has decided to have a specific and dedicated committee just for health scrutiny.
- Health scrutiny is primarily outward looking towards other health service bodies. In addition, it can scrutinise health services commissioned by the Council such as Public Health prevention services and where it is part of integrated and joint commissioning arrangements with health bodies.
- Health commissioners and providers are required to consult the health scrutiny committee on variations of service. This requirement is separate to, and in addition to, any formal public consultation exercise on the same issue.
- Where those proposed changes to services have a significant cross-border impact on patients then there is also a statutory requirement to establish a joint health scrutiny committee with those other adjoining county and/or unitary councils. That joint committee is then the formal consultee for those changes (and not each of the local health scrutiny committees). Therefore, from time to time the Council may also be participating in joint health scrutiny committees with other adjoining county and unitary councils for this purpose.
- The latest guidance on health scrutiny issued by the Department of Health emphasises that "the power to scrutinise the health service should be seen and used in the wider context of the local authority role of community leadership and other initiatives to promote and facilitate improvement and reduce inequalities". It is suggested that scrutineers should focus on ensuring further improving public engagement, accessibility and outcomes and the effectiveness of partnership and system working.

## Department of Health - Local Authority Health Scrutiny Guidance

- The Committee undertaking health scrutiny should not be confused with the Health and Wellbeing Board (HWB). The HWB is a strategic body set up under different legislation to improve integration between practitioners in local health care, social care, public health and related public services. It approves various health and wellbeing strategies and has oversight over commissioning plans. Its membership includes representatives from health commissioners and providers. It cannot undertake independent health scrutiny - only the health scrutiny committee can do that.

## Call in of Executive Decisions

By law, Overview and Scrutiny must have the right to 'call-in' decisions - i.e. ask the decision-maker to think again, or to refer the decision to the full council if it is believed that the decision-maker has taken a decision in contravention of the council's budget or policy framework. A call-in must be requested within three working days of the decision being published on the Council's website (not including the day of publication).

An overview and scrutiny committee may call-in a decision made by a Cabinet Member that falls within its remit. Call-in should only be used in exceptional circumstances. Day-to-day management decisions or routine operational decisions are not subject to call-in. Requests by a local councillor solely for further background information and explanation on the decision can often be made directly to the Cabinet Member and may avoid the need to call-in a decision.

The Council's call-in arrangements are set out in Section 18 of the [Constitution](#).

## Petitions

Essex County Council has adopted a Petitions Policy, which is provided on its website: [Petitions Policy](#)

The Council's response to a petition will depend on what the petition asks for and how many signatures it has. The number of signatories will determine whether a response is made by an officer or Cabinet Member.

### **Overview and Scrutiny Committees**

In relation to Overview and Scrutiny there is no automatic requirement for a petition to be presented to an Overview and Scrutiny Committee. However, any petition with at least 2000 signatures is referred to the Chairman of the relevant Overview and Scrutiny Committee who has discretion to decide how it is reported to their committee. If the Chairman decides to hold a formal evidence gathering session on the issue highlighted in the petition then the Committee may request a senior Cabinet Member/ Council officer to give evidence. In this instance the lead petitioner should also be invited to attend and may address the meeting.

The relevant Overview and Scrutiny committee will decide who will be permitted to give evidence at a meeting. The Chairman will determine the format of the session and the time allocated to witnesses and this will be published in the agenda papers for the meeting. Advance written information (to supplement the information in the petition) may be requested from witnesses.

The Committee must consider its response to the petition and this will be recorded in the Minutes of the meeting. A Committee may decide to take no further action in respect of a particular petition, or to make recommendations to the Cabinet Member. The Committee itself does not have the power to make decisions.

## Glossary of terms commonly used within the Scrutiny Function

<b>TERM</b>	<b>DESCRIPTION</b>
<b>Annual Report</b>	Scrutiny Committees summarise their work, performance and work programmes, and findings in an Annual Report submitted to full Council.
<b>Bill</b>	Draft of an Act of Parliament. When approved by Parliament (with any amendments) it becomes law and an Act.
<b>Cabinet/Executive</b>	<p>The Cabinet body of elected councillors responsible for the day to-day running of the council and the development of policy. Also referred to as 'the Executive'.</p> <p>Cabinet members have portfolios or areas of responsibility (e.g. Leader, Adult Social Care for which they take Cabinet decisions.</p>
<b>Call-in</b>	The process by which overview and scrutiny committees can look at whether a decision is properly taken or is the right decision and require it to be reconsidered.
<b>Centre for Governance and Scrutiny (CfGS)</b>	The CfGS is a charity whose principal focus is on scrutiny, accountability and good governance, both in the public sector and amongst those people and organisations who deliver publicly-funded services.
<b>Code of Practice/Code of Conduct</b>	A set of rules, usually of expected behaviour.
<b>Co-opted Member to an OS Task and Finish Group</b>	An individual with an area of expertise or experience who is invited to sit on a committee or task group to provide information and advice to maximise effective project outcomes.
<b>Cross-cutting review</b>	A cross-cutting review addresses a topic which covers more than one service area, and in certain cases, examines services provided by organisations other than the council (e.g. the police, health trusts, voluntary sector organisations, etc.) One of the aims of such a review is to ascertain how well the various agencies communicate and work together, and to put forward recommendations for improvements in this area.
<b>Division</b>	An area of the administrative county of Essex for which County Council elections are conducted.

<b>Forward Plan</b>	A list of key decisions which will be taken by the Cabinet. The plan is updated each month.
<b>Green Paper</b>	A green paper is a consultation document on central government policy. The Government may publish a green paper outlining policy on a matter and asking for feedback, before presenting it to Parliament as a bill. A green paper is not a requirement of any bill.
<b>Joined up working</b>	When organisations such as councils, hospitals and schools work together to identify and solve local problems. The government has pushed this idea as a means of closing the gaps between public services and improving overall performance.
<b>Key decision</b>	An important decision which affects more than one division of the council or will involve spending of large amounts of money. They must be made public and can only be taken after appropriate notice.
<b>Local Government Association (LGA)</b>	The LGA represents the local authorities of England.
<b>Local Government Information Unit (LGIU)</b>	<p>The LGIU is an independent research and information organisation supported by over 150 councils and the local government trade unions.</p> <p>The LGIU aims to be an advocate for strong democratic local government with the financial base and powers required to act with and on behalf of local communities.</p>
<b>Monitoring Officer</b>	The officer appointed under the Local Government and Housing Act 1989 to oversee the legality of councils' actions and the ethical behaviour of members and employees.
<b>Non-executive councillors</b>	These are councillors who are not members of the Cabinet.
<b>Policy</b>	A plan of action or approach to an issue – part of the council's policy framework.
<b>Political Proportionality/Balance</b>	The system by which each group is represented on council bodies in proportion to the number of members of the group relative to the size of the council as a whole.
<b>Portfolio Holder</b>	A member of the Cabinet with responsibilities for specific aspects of the council's policy or work.

<b>Protocol</b>	A document which sets out how people will behave or how matters will be handled.
<b>Regulatory</b>	The functions of the council which “regulate” e.g. licensing and Planning
<b>Rules of Procedure/ Standing Orders</b>	The rules that govern the way specified matters must be handled.
<b>Scoping Document</b>	A scoping document sets out key information on a review designed to assist in the planning and management of a review.
<b>Scrutiny review</b>	A study led by scrutiny councillors on a current issue, selected by the committee. It aims to identify areas of good as well as poor practice, compare performance with other councils countrywide and challenge existing practice where relevant.
<b>Task and Finish Group (TFG)</b>	Committees may establish smaller working groups or panels to conduct individual reviews, which are known as TFGs.
<b>Witness</b>	A ‘witness’ is an individual who is invited to give written or oral evidence to an OS committee as part of a review.
<b>White Paper</b>	Statement of policy issued by the government. White papers often form the basis of new legislation and are usually preceded by a consultative green paper.
<b>Work Programme</b>	The work programme sets out the work of the Scrutiny Committee over a period of time e.g. 12 months.