

## SCRUTINY ASSEMBLY TERMS OF REFERENCE

1. The Scrutiny Assembly is the collective body of all those responsible for carrying out the scrutiny function of the Council.
2. The role of the Scrutiny Assembly is to scrutinise the work of the Council and its partners in accordance with national legislation and to hold decision makers to account.
3. The Scrutiny Assembly will include all non-Executive members i.e. all those except the Leader, Cabinet Members and the Mayor and all standing co-optees.
4. Scrutiny Assembly members will carry out the scrutiny by taking part in scrutiny events, making suggestions for the scrutiny work programme, undertaking scrutiny reviews and making recommendations.
5. Scrutiny Assembly members may take part in any scrutiny review regardless of which Scrutiny Committee they sit on.

The Scrutiny Assembly will meet when agreed by the Scrutiny Management Board.

6. Other meetings of the Scrutiny Assembly may be convened to consider matters of significance to the Council.
7. The Chair of the Scrutiny Management Board is automatically the Chair of the Scrutiny Assembly.
8. In the absence of the Chair of the Scrutiny Assembly, meetings will be Chaired by a Scrutiny Committee Chair
9. Relevant Cabinet Members, Directors, Assistant Directors and Service Delivery Managers will attend the Committee at the request of the Chair.
10. The meetings will follow the principles of scrutiny i.e. no party whip will be applied and a constructive, evidence based approach will be used.
11. Scrutiny Assembly meetings will be held in public.
12. The meetings will be administered by Scrutiny Services and Democratic Services.

## **SCRUTINY MANAGEMENT BOARD TERMS OF REFERENCE**

1. The Scrutiny Management Board will be made up of the Chairs of the Scrutiny Committees and other members as required to make the Board politically balanced.
2. Members of the Scrutiny Management Board will be appointed at Annual Council.
3. The Scrutiny Management Board will co-ordinate, oversee and monitor the delivery of the Scrutiny work programme and will receive regular progress reports from the Democratic & Scrutiny Services Team and Scrutiny Chairs.
4. The Scrutiny Management Board will oversee the allocation of Democratic & Scrutiny Services Team resources to the Scrutiny Committees, and will make decisions where there are competing demands for resources.
5. The Scrutiny Management Board will allocate Scrutiny suggestions to the relevant Scrutiny Committee and may make recommendations about priorities for the work programme and joint scrutiny of issues. A flexible approach will be taken so that the most appropriate Scrutiny Committee is identified depending on the nature of the issue. The Scrutiny Committees will not be aligned to specific service delivery areas. Issues which do not fall within the remit of another Scrutiny Committee may be included in the work programme of the Scrutiny Management Board.
6. The Scrutiny Management Board will be responsible for scrutiny in relation to Leader and Cabinet Executive decisions made but not implemented as set out in section 21(3) of the Local Government Act 2000 i.e. Call-in of decisions taken but not yet implemented. This will include Call-in of decisions made by the Local Enterprise Partnership Joint Executive Committee.
7. Scrutiny Management Board will invite Cabinet Members to attend the Board for 'Holding to Account' sessions.
8. The Scrutiny Management Board will receive requests from the Leader and Cabinet Executive or individual Members and/or the Full Council for reports from the Scrutiny Committee and to allocate them if appropriate to one or more Scrutiny Committees.
9. Subject to the provision of Part 4, Section 5, paragraph 1.1 of the Council's Constitution, the Scrutiny Management Board may make changes to the scrutiny structure and processes after consulting with the Scrutiny Assembly. The Scrutiny Handbook will be updated to reflect the changes. Changes will be reported back to the next full Council meeting.
10. The Scrutiny Management Board may periodically review and make changes to the Policy for Co-opting Scrutiny Members.

11. Meetings will be agreed by the Scrutiny Management Board as deemed necessary to carry out the work programme and to fulfil the responsibilities of the Board.
12. The Scrutiny Management Board may consider any areas of key strategic importance for the Council that members wish.
13. If the Chair is unable to attend a meeting the members present will elect a Chair for the meeting.
14. Relevant Cabinet Members, Directors, Assistant Directors and Service Delivery Managers will attend the Committee at the request of the Chair. Representatives from partner organisations may be invited to attend Scrutiny Management Board meetings.
15. The meetings will follow the principles of scrutiny i.e. no party whip will be applied and a constructive, evidence based approach will be used.
16. Meetings of the Scrutiny Management Board will be held in public.
17. Members may become privy to information of a sensitive or confidential nature, and if this happens members must maintain this confidence. Members are unable to request personal/confidential information from Officers about an individual or family.
18. The meetings will be administered by Scrutiny Services and Democratic Services. Frequency of meetings will be agreed by Committee members as deemed necessary to carry out the work programme.
19. The Chair will provide and present reports and recommendations of the Scrutiny Management Board to Cabinet, the Council or other organisations as appropriate, including the Annual Scrutiny Report.
20. The quorum required for a meeting is 3 elected members.

## **HEALTH & ADULT CARE SCRUTINY COMMITTEE TERMS OF REFERENCE**

1. The group will be made up of 9 elected members of the Scrutiny Assembly, appointed at Annual Council in line with the political balance of the Council. The Committee may include Co-opted scrutiny members but they must not exceed 50% of the number of elected members. Vice-Chairs may be appointed by majority decision of the Committee.
2. In addition to standing co-optees, the Committee may appoint additional co-optees for one-off reviews to supplement the skills, knowledge and experience of the Committee on that particular issue.
3. The Committee will be the main mechanism by which Scrutiny members will scrutinise and monitor the planning and performance of the Council's adult social care services and health services matters under the Health and Social Care Act 2012. Full Council has delegated the health scrutiny powers to this Committee.
4. The Committees takes the key role in:
  - a) Monitoring the performance of NHS Trusts whose services effect local people;
  - b) Acting as the statutory consultee on NHS proposals for substantial variation in service and responding to these NHS consultations.
  - c) Participating in a Joint Health Overview and Scrutiny Committee with elected members from Shropshire Council to scrutinise and respond to NHS proposals that apply to both areas;
  - d) Responding to referrals from Health Watch regarding health services;
  - e) Monitoring the Council's performance in relation to social care service for adults;
  - f) Responding to referrals from Healthwatch regarding Adult Care Services
  - g) Scrutinising proposals for the provision of adult care services and the impacts of any proposed changes to services;
  - h) Scrutinising adult care services that are of concern to local people.
5. If the Chair and Vice Chair are unable to attend a meeting the members present will elect a Chair for the meeting.
6. Relevant Cabinet Members, Corporate Directors, Assistant Directors and Service Delivery Managers and representatives from NHS commissioners and providers will attend the Committee at the request of the Chair. Representatives from partner organisations may be invited to attend.
7. The meetings will follow the principles of scrutiny i.e. no party whip will be applied and a constructive, evidence based approach will be used.
8. The Committee will consider matters referred by the Scrutiny Management Board, and will exercise discretion as to whether a suggestion falls within the remit of the Committee to scrutinise.

9. Scrutiny Committee meetings will be held in public, unless matters exempt under legislation is being discussed, or the Scrutiny Committee is meeting with vulnerable groups to hear their views and it is not appropriate for these meetings to be open to the public. The Scrutiny Committees may appoint sub-groups to carry out investigative work as part of a review, and these may be held as informal meetings, but evidence gathered in this way will be brought back to the overseeing Committee in a public forum. In case of dispute, the Monitoring Officer will advise on the rules of exemption.
10. From time to time members, as part of the work of the Committee, may become privy to information of a sensitive or confidential nature, if this happens members must maintain this confidence. Members are unable to request personal/confidential information from Officers about an individual or family.
11. The meetings will be administered by Scrutiny Services and Democratic Services. Frequency of meetings will be agreed by Committee members as deemed necessary to carry out the work programme.
12. A short report on the work of the group will be provided by the Chair to the Scrutiny Management Board as appropriate.
13. The Chair of the Committee, or his/her representative, will provide and present reports and recommendations of the Committee to the Council's Cabinet or other partner organisation when necessary.
14. The Committee will set its own work programme. The main task of the Committee will be to scrutinise the planning, provision and operation of NHS health services and to scrutinise the performance of the Council's adult social care services that are provided to people in Telford & Wrekin. However, members can look at any other issues within these service areas. The following points should be taken into consideration when considering the work programme each year:
  - areas where significant change is proposed and the potential impacts
  - performance in areas where significant change has been implemented;
  - areas of financial overspend;
  - areas receiving a high level of budgetary commitment;
  - areas where there is a high level of user dissatisfaction;
  - reports and action plans produced/agreed with external inspectors;
  - areas that are key issues for the public or have become a public interest issue covered in the media.
15. The quorum required for a meeting is 3 elected members.
16. Three elected Members and 3 co-optees of this Committee will also be expected to take part in the Joint Health Scrutiny Committee set up with elected members and co-optees from Shropshire County Council to scrutinise substantial variations or developments in service that cut across both local authority areas. Separate terms of reference apply to the Joint Health Overview and Scrutiny Committee which have been agreed with Shropshire County Council.

## **FINANCE & ENTERPRISE SCRUTINY COMMITTEE TERMS OF REFERENCE**

1. The group will be made up of 7 elected members of the Scrutiny Assembly, appointed at Annual Council in line with the political balance of the Council. The Committee may include Co-opted scrutiny members but they must not exceed 50% of the number of elected members. Vice-Chairs may be appointed by majority decision of the Committee.
2. The Committee will fulfil three tasks:
  - a. be the main mechanism by which the Cabinet will formally consult scrutiny on the consideration of their budget proposals and allow non-executive members full access to all Council financial data;
  - b. to monitor the service and financial performance of Council services through regular review of performance monitoring reports and such other information as members consider necessary.
  - c. Receive reports on the income generation for the Council and the Council's role in promoting economic growth in the local economy and scrutinise as appropriate
3. Relevant Cabinet Members, Corporate Directors, Assistant Directors and Service Delivery Managers will attend the Committee at the request of the Chair. Representatives from partner organisations may be invited to attend.
4. The meetings will follow the principles of scrutiny i.e. no party whip will be applied and a constructive, evidence based approach will be used.
5. The Committee will consider matters referred by the Scrutiny Management Board, and will exercise discretion as to whether a suggestion falls within the remit of the Committee to scrutinise.
6. If the Chair and Vice Chair are unable to attend a meeting the members present will elect a Chair for the meeting.
7. The meetings will be administered by Scrutiny Services and Democratic Services. Meetings will be held regularly and dates will be agreed by the members of the Committee at the start of each municipal year. Members of the Committee may call additional meetings as required to follow up concerns identified in their scheduled meetings or sub-sets of members may form working groups that meet outside the scheduled meetings to investigate specific issues.
8. All Scrutiny Committee meetings will be held in public, unless exempt information is being considered or discussed. Scrutiny Committees may appoint sub-groups to carry out investigative work as part of a review and these sub-groups may hold informal meetings but will report back their findings to the Scrutiny Committee.

9. From time to time members may become privy to information of a confidential nature. If this happens, members must maintain this confidence. Members are unable to request personal/confidential information from Officers about an individual or family.
10. Information obtained as a result of membership of the Committee is sensitive and should be treated as being confidential by members
11. The Chair will provide regular updates to meetings of the Scrutiny Management Board to inform the other Scrutiny Chairs of performance and budget issues relating to the remit of their Committees.
12. The Chair of the Committee, or his/her representative, will provide and present reports and recommendations agreed by the Committee to the Council's Cabinet when necessary.
13. The Committee will set its own work programme. The following issues may form part of the work programme each year:
  - a. Detailed consideration of revenue and capital budget proposals made by the Cabinet including;
    - efficiency and savings proposals to fund the budget deficit and their impact on services;
    - the capital programme and levels of borrowing;
    - the use of one-off resources, the level of balances and contingencies;
    - the budget consultation process, views of the public and whether spending proposals reflect the needs and wants of residents
    - level of Council Tax increase recommended by the Cabinet.
  - b. Consideration of the assumptions made in the Council's medium term financial strategy.
  - c. Regular consideration of service and financial performance monitoring reports to identify areas where additional information on plans for remedial action is required.
  - d. Undertaking reviews of areas of the budget to scrutinise the value of service outcomes for the community compared to the costs involved. Committee members will particularly seek to identify areas of low priority spending where savings could be made.
  - e. Consideration of the financial implications of major policy/service changes proposed by the Cabinet.
  - f. Consideration of financial reports and performance documents produced by the Council with a view to improving their usefulness to members of the council and members of the public
14. The quorum for a meeting is 3 elected members.

## **CHILDREN & YOUNG PEOPLE SCRUTINY COMMITTEE TERMS OF REFERENCE**

1. The Committee will be made up of 9 elected members from the Scrutiny Assembly, appointed at Annual Council in line with the political balance of the Council, and co-opted scrutiny members. The Committee may include co-opted scrutiny members but they must not exceed the number of elected members. Vice-Chairs may be appointed by majority decision of the Committee.
2. The Parent Governor and the Catholic and Anglican diocesan representatives will have statutory voting rights on education matters as set out on the Local Government Act 2000. Other co-optees will not have voting rights.
3. In addition to the standing co-optees, the Committee may appoint additional co-optees for one-off reviews to supplement the skills, knowledge and experience of the Committee on that particular issue.
4. If the Chair and Vice Chair are unable to attend a meeting the Members present will elect a Chair for the meeting.
5. The Cabinet Member for Children and Young People, Directors, Assistant Directors and Service Delivery Managers will attend the Committee at the request of the Chair. Representatives from other organisations may be invited to attend.
6. The Committee will be the main mechanism by which Scrutiny members will scrutinise and monitor the planning and performance of the Council's services to children and young people and the Council's Corporate Parenting role. The Committee may also scrutinise the services of partner organisations in accordance with national legislation.
7. The Committee will consider matters referred by the Scrutiny Management Board, and will exercise discretion as to whether a suggestion falls within the remit of the Committee to scrutinise.
8. The meetings will follow the principles of scrutiny i.e. no party whip will be applied and a constructive, evidence based approach will be used.
9. All Scrutiny Committee meetings will be held in public, unless exempt information is being considered or discussed. Scrutiny Committees may appoint sub-groups to carry out investigative work as part of a review and these sub-groups may hold informal meetings but will report back their findings to the Scrutiny Committee.
10. From time to time members may become privy to information of a confidential nature. If this happens, members must maintain this confidence. Members are unable to request personal/confidential information from Officers about an individual or family.

11. The meetings will be administered by Scrutiny Services and Democratic Services. Frequency of meetings will be agreed by the Committee as necessary to carry out the work programme.
12. The Chair of the Committee, or his/her representative, will provide and present reports and recommendations of the Committee to the Council's Cabinet or other relevant organisations.
13. The Committee will set its own work programme. The main task of the Committee will be to scrutinise the planning and performance of children and young people's services and the Committee can look at any issues within the service area. The following points may be taken into consideration when considering the work programme each year:
  - areas where significant change is proposed and the potential impacts
  - performance in areas where significant change has been implemented;
  - areas of financial overspend;
  - areas receiving a high level of budgetary commitment;
  - areas where there is a high level of user dissatisfaction;
  - reports and action plans produced/agreed with external inspectors;
  - areas that are key issues for the public or have become a public interest issue covered in the media.
14. All Committee members should undergo the Corporate Parenting Training offered by the Council.
15. Members of Committee should act as champions for children and young people in the care of the authority and raise awareness of the issues facing children and young people in care with other elected members and members of the public.
16. The quorum required for a meeting is 3 elected members.

## **CUSTOMER, COMMUNITY AND PARTNERSHIP SCRUTINY COMMITTEE TERMS OF REFERENCE**

1. The Committee will be made up of 7 elected members from the Scrutiny Assembly, appointed at Annual Council in line with the political balance of the Council, and co-opted scrutiny members. The number of co-opted members must not exceed 50% of the number of elected members. Vice-Chairs may be appointed by majority decision of the Committee.
2. If the Chair or Vice-Chair are unable to attend a meeting the Members present will elect a Chair for the meeting.
3. In addition to standing co-optees, the Committee may appoint additional co-optees for one-off reviews to supplement the skills, knowledge and experience of members of the Committee on that particular issue.
4. Relevant Cabinet Members, Directors, Assistant Directors and Service Delivery Managers will attend the Committee at the request of the Chair. Representatives from other organisations may be invited to attend.
5. The Committee will be the main mechanism by which Scrutiny members will scrutinise and monitor issues relating to the following key areas:
  - the development of Telford & Wrekin as a Co-operative Council and any resulting policies and service changes, other than matters scrutinised by the Scrutiny Management Board;
  - the planning, delivery and performance of services provided to local communities for example libraries; sport, leisure and culture facilities; community centres; environmental services or community based projects involving the Council and community cohesion.
  - issues relating to how the Council works with partner organisations such as Town & Parish Councils, the voluntary sector, community groups and local people, in particular where these organisations are or may be involved in the delivery of Council services;
  - scrutiny of the services provided by partner organisation in accordance with national legislation;
  - housing, homelessness, transport and highways, regeneration, waste and recycling services, customer services, community engagement, welfare reform, enforcement.
6. The Customer, Community and Partnership will be the designated body for scrutiny of the Safer, Stronger Communities Partnership as set out in section 19 of the Police & Justice Act (2006) and of Flood and Water Management as set out in the Flood and Water Management Act 2010. The work programme will make provision for scrutiny of these items.
7. The Committee will consider matters referred by the Scrutiny Management Board, and will exercise discretion as to whether a suggestion falls within the remit of the Committee to scrutinise.

8. The meetings will follow the principles of scrutiny i.e. no party whip will be applied and a constructive, evidence based approach will be used.
9. All Scrutiny Committee meetings will be held in public, unless exempt information is being considered or discussed. Scrutiny Committees may appoint sub-groups to carry out investigative work as part of a review and these sub-groups may hold informal meetings but will report back their findings to the Scrutiny Committee.
10. From time to time members may become privy to information of a confidential nature. If this happens, members must maintain this confidence. Members are unable to request personal/confidential information from Officers about an individual or family.
11. The meetings will be administered by Scrutiny Services and Democratic Services. Frequency of meetings will be agreed by the Committee as necessary to carry out the work programme.
12. The Chair of the Committee, or his/her representative, will provide and present reports and recommendations of the Committee to the Council's Cabinet or other relevant organisations.
13. The Committee will set its own work programme in accordance with the areas set out in paragraph 5 above, may look at any issue deemed by the Committee to fall within its remit.
14. The quorum for a meeting is 3 elected members.

# **SHROPSHIRE AND TELFORD & WREKIN JOINT HEALTH OVERVIEW AND SCRUTINY COMMITTEE TERMS OF REFERENCE**

## **Purpose**

To act as a discretionary Joint Health Overview and Scrutiny Committee (Joint HOSC) to consider and scrutinise where necessary, all Health and Healthcare related topics which affect the areas of Telford and Wrekin Council and Shropshire Council including matters referred by Telford and Wrekin and Shropshire Healthwatch.

To meet when proposed changes to services are identified to confirm if the Committee will undertake the role of the Committee as a mandatory Joint HOSC and statutory consultee in relation to NHS proposals for a substantial variation or development in service.

To actively research any statutory consultation and respond in line with Health Scrutiny Regulations and the Department of Health Guidance on Health Scrutiny (2014) .

## **Powers of the Joint Health Overview and Scrutiny Committee**

The Joint Health Overview and Scrutiny Committee exercises the powers of both a discretionary and a mandatory Joint HOSC, as set out in the Health and Social Care Act (2001) consolidated in the NHS Act (2006) and amended by the Localism Act 2011 and the Health and Social Care Act 2012, to review any matter relating to the planning, provision and operation of health services across the local authority areas. Both Telford and Wrekin Local Authority and Shropshire Council Local Authority have delegated the health scrutiny power to the Joint HOSC for pan Shropshire health matters. When the NHS make a proposals for a substantial variation or development of service the Joint HOSC will be the only Scrutiny Committee which will:

- Respond to the consultation
- Exercise the power to require the provision of information by relevant NHS body or health service provider
- Require members or employees of relevant NHS bodies or health service provider to attend before it to answer questions in connection with the consultation.

However, both local authorities have retained the power of referral as set out in the Councils' Constitutions. Any referral of proposed substantial change or variation in service to the Secretary of State will be made in line with Health Scrutiny Regulations and the Department of Health Guidance.

The roles and responsibilities of the Joint HOSC, commissioners and providers of NHS and Local Authority public health services is set out in the Department of Health Guidance, Guidance to support Local Authorities and their partners to deliver effective health scrutiny ( 2014)

## **Membership of the Joint Health Overview and Scrutiny Committee**

There will be three elected members from each local authority.

There will be three co-opted members from each local authority area who are independent of the relevant Council.

The Co-opted Members of the Committee have voting rights as determined by full council at both authorities. Copies of the voting schedules are attached. Executive Members for Health and Social Care and Health and Wellbeing Board Chairs issues may attend the meeting at the Chair's discretion in a non voting capacity.

## **Chairing Arrangements**

Meetings alternate between the Council areas. The appropriate Chair will take the lead for meetings in their Local Authority Area.

## **Chairs' Casting Vote**

The Chair will not use their casting vote due to the alternating venue.

## **Political Balance**

Political balance applies to this Committee. The political balance applies to each participating authority.

## **Administration**

In line with the Department of Health Guidance the support for the Joint HOSC will be made available by the local health and social care system to enable the powers and duties associated with the function to be exercised appropriately.. Meetings will alternate between local authorities. Each council will take the lead in arranging venues and co-ordinating agendas with organisations and individuals invited to present reports or papers or give evidence, for the meetings taking place in their Local Authority Area.

The agenda will be agreed by both Health Scrutiny Chairs. Papers and presentations will be considered during this meeting to establish running order and specific instructions to those attending.

Pre-meetings will be at the Chair's discretion, to be attended either by the Chairs' alone or for members of the whole joint Health Overview and Scrutiny Committee.

## **Additional Support**

Each local authority will identify an agreed resource which it can provide to support the work of the Joint Committee. This may be officer time and/or a financial contribution to cover the costs of any specialist advice.

## **Frequency of Meetings**

To be detailed in the Joint Committee Work Programme.

## **Quorum**

One third of the membership of the Committee. At least 2 elected members must be present including 1 from each authority. There must be 2 representatives from each authority including co-optees.

## **Ways of Working**

Under the Department of Health Guidance (2014) the Joint Health Scrutiny committee must:

Strengthen the voice of local people, ensuring that their needs and experienced are considered as an integral part of the commissioning and delivery of health services and that those services are safe and effective.

Operate in a way that will lead to rigorous and objective scrutiny of the issues under review and carried out in a transparent manner that will boost the confidence of local people in health scrutiny.

In considering substantial reconfiguration proposals health scrutiny needs to recognise the resource envelope within which the NHS operate and should therefore take into account the effect of the proposals on sustainability of services as well as their quality and safety.

The Joint Committee will hold formal meetings, and will undertake visits – which as far as possible will involve representatives from both authorities. Each authority will be able to lead and undertake individual pieces of work. The Joint Committee may also hold meetings with relevant representatives and officers outside of the main scrutiny forum such as focus groups, public meetings and consultation with relevant patient/service user groups.

## **Reports**

Wherever possible all reports will present joint evidence based conclusions and recommendations. However, where differences exist reports will be able to include sections setting out evidence based conclusions and recommendations reflecting the different views within the joint committee.

## **Review of Terms of Reference**

Annually or as required when issues arise for joint scrutiny.