

**AGENDA ITEM: 6**

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Meeting	Budget & Performance Overview & Scrutiny Committee
Date	3 <sup>rd</sup> June 2010
<b>Subject</b>	<b>Overview &amp; Scrutiny: 2010/11</b>
Report of	Overview & Scrutiny office
Summary	This report provides information on the Overview & Scrutiny function in 2010/11.

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Status (public or exempt)	Public
Wards Affected	All
Enclosures	Appendix A – Terms of reference of the Overview & Scrutiny Committees and sub-Committees: <ul style="list-style-type: none"><li>• Policy &amp; Performance OSC</li><li>• Business Management OSSC</li><li>• Children’s Service OSSC</li><li>• Adult Social Services OSSC</li><li>• Budget &amp; Performance OSC</li><li>• Health OSC</li></ul> Appendix B – Summary of OSC work 2009/10
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## **1. RECOMMENDATIONS**

- 1.1 That the Budget and Performance Overview & Scrutiny Committee note the arrangements for Scrutiny work in 2010/11.**

## **2 CORPORATE PRIORITIES AND POLICY CONSIDERATIONS**

- 2.1 The Overview and Scrutiny Committees/Sub-Committees must ensure that the work of Scrutiny is reflective of the Council's priorities.**

- 2.2 The three priority outcomes set out in the 2010/13 Corporate Plan are: –**

- **Better services with less money**
- **Sharing opportunities, sharing responsibilities**
- **A successful London suburb**

- 2.3 The Corporate Plan 2010/13 contains the following strategic objectives and performance targets that fall within the remit of the Corporate Governance Directorate and relate to Overview and Scrutiny:**

- **Improve council policy and decision making through greater involvement by non-executive members**
- **To improve the effectiveness and transparency of decision-making within the council by ensuring that Overview and Scrutiny in the year 2010/11:**
  - **Considers three decisions prior to being taken by Cabinet; and**
  - **Initiates three items of policy development.**

## **3. RELEVANT PREVIOUS DECISIONS**

- 3.1 Annual Council Meeting, May 17<sup>th</sup> 2010, Agenda item 11.6, 'Appointment of Standing Committees (With Chairmen and Vice-Chairmen) and Political Proportionality'**

## **4. RISK MANAGEMENT ISSUES**

- 4.1 None**

## **5. EQUALITIES AND DIVERSITY ISSUES**

- 5.1 None in the context of the report.**

## **6. USE OF RESOURCES IMPLICATIONS (Finance, Procurement, Performance & Value for Money, Staffing, IT, Property, Sustainability)**

- 6.1 None in the context of the report.**

## **7. LEGAL ISSUES**

7.1 The Local Government Act, 2000 requires that executive arrangements by the authority must include provision for the appointment, by the authority, of one or more Overview and Scrutiny Committees. The, relevant, Overview and Scrutiny Committees must have power:

- to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the executive;
- to make reports or recommendations to the authority or the executive with respect to the discharge of any functions which are the responsibility of the executive;
- to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are not the responsibility of the executive;
- to make reports or recommendations to the authority or the executive with respect to the discharge of any functions which are not the responsibility of the executive;
- to make reports or recommendations to the authority or the executive on matters which affect the authority's areas or the inhabitants of that area.

## **8 CONSTITUTIONAL POWERS**

8.1 The scope of Scrutiny Committees/sub-Committees is contained within Part 2, Article 6 of the Constitution; the Terms of Reference of the Scrutiny Committees are in the Overview and Scrutiny Procedure Rules (Part 4 of the Constitution).

## **9. BACKGROUND INFORMATION**

### **9.1 Introduction to Overview & Scrutiny**

9.1.1 Overview & Scrutiny was introduced as part of the re-organisation of local governance brought about by the Local Government Act 2000. The Act sought to strengthen decision-making at a local level, with a new Scrutiny function providing specific powers of oversight.

9.1.2 The responsibilities of Scrutiny are set out in the Act itself. These are:

- (a) to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the executive
- (b) to make report or recommendations to the authority or the Executive with respect to the discharge of any functions which are the responsibility of the executive
- (c) to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are not the responsibility of the executive

- (d) to make report or recommendations to the authority or the Executive with respect to the discharge of any functions which are not the responsibility of the executive
- (e) to make recommendations to the authority or the executive on matters which affect the authority's area or inhabitants.

9.1.3 These responsibilities have been strengthened through other legislation such as the Local Government and Public Involvement in Health Act 2007, and the Crime and Disorder Act 2006. The scrutiny function now also possesses statutory powers regarding the scrutiny of Health partners, and of crime and disorder matters.

9.1.4 In guiding authorities in the pursuit of a successful scrutiny function, the Centre for Public Scrutiny has identified four core principles of good scrutiny. These are:

- (a) to provide 'critical friend' challenge to executive policy-makers and decision-makers
- (b) to enable the voice and concerns of the public and its communities
- (c) to be carried out by 'independent minded governors' who lead and own the scrutiny process
- (d) to drive improvement in public services

9.1.5 These core principles are recognised as best practice in informing and driving the work of Scrutiny. The restructure of the Scrutiny function in Barnet, which was endorsed by Council in May 2009, built on these principles.

## 9.2 Overview & Scrutiny in Barnet

9.2.1 Overview & Scrutiny in Barnet is comprised of three standing committees:

### **Policy and Performance Overview & Scrutiny Committee**

An overarching body which appoints the Overview and Scrutiny sub-committees and Task and Finish Groups, sets the Overview & Scrutiny annual work programme for the year and receives the review of effectiveness of the Overview & Scrutiny process in Barnet and contributes to the Annual Report of Scrutiny. This committee also holds the function for the scrutiny of crime and disorder matters.

### **Budget and Performance Overview & Scrutiny Committee**

This Committee is responsible for monitoring corporate performance, the revenue and capital budgets and financial outturns. The Committee scrutinises the development of the forthcoming year's revenue and capital budgets from the start of the budget cycle.

### **Health Overview & Scrutiny Committee**

This Committee is responsible for scrutinising the functions in relation to the National Health Service (NHS) and NHS bodies in the area, including their operations and performance.

9.2.2 There are three sub-committees of the Policy and Performance Overview & Scrutiny Committee:

### **Adult Social Services Overview & Scrutiny sub-Committee**

This sub-Committee scrutinises community care services for older people and vulnerable adults in Barnet.

#### **Business Management Overview & Scrutiny Sub-Committee**

This sub-Committee appoints additional Scrutiny Panels, co-ordinates and monitors the work of Scrutiny Panels/Task and Finish Groups, carries out the call-in function and deals with Councillor Calls for Action. Any member of this sub-Committee is able to call-in a key decision. A review of the call-in procedure is proposed for Autumn 2010.

#### **Children's Services Overview & Scrutiny sub-Committee**

This sub-Committee looks at the Council's functions as an education authority, services for children, young people and their families including Children's Social Services, local NHS services and health-related issues which impact upon the health of Barnet children and young people aged up to 18, and recreational services.

- 9.2.3 Further to the above standing Committees and sub-Committees, Scrutiny Panels and Ad Hoc Committees can be established to look at pertinent issues in more depth. In the 2009/10 municipal year, Ad Hoc Committees were established to look into the Council's investments in Icelandic Banks, and the utility supply problems in East Barnet. One Scrutiny Panel is due to be re-established for the coming year.

#### **Future Shape Overview & Scrutiny Panel**

This Panel is responsible for scrutinising the Council's Future Shape programme. The Panel meetings are scheduled alongside meetings of the One Barnet Programme Board, and, in a pre-decision Scrutiny arrangement, receives many of the Board's papers in advance of their meetings.

- 9.2.4 Task and Finish Groups are established by Policy & Performance OSC or Business Management OSSC on a rolling basis. These comprise five Members who work with a Scrutiny Officer to conduct an in depth investigation into a topic. These will typically involve evidence sessions with key stakeholders and external visits, together with desk-based research. The Task and Finish Groups produce a final report, which include a number of SMART (specific, measurable, achievable, realistic and timely) and costed recommendations to be made to the Executive. Three Task and Finish Groups operate at any one time, with the aspiration that their work be conducted in a three month period.

### **9.3 Pre-decision Scrutiny**

- 9.3.1 The Scrutiny arrangements make provision for the increased use of pre-decision scrutiny. In 2009/10, Scrutiny made recommendations on items considered by the Executive, including the Corporate Plan. The Future Shape Scrutiny Panel is also able to make comments on reports before they are presented to the Future Shape Programme Board has embedded effective Scrutiny.
- 9.3.2 Each Scrutiny Committee and sub-Committee receives the Cabinet Forward Plan as a standing item on its agenda, allowing the work of Scrutiny to be informed of forthcoming Cabinet initiatives and strategies and to identify topics for Scrutiny.

9.3.3 Scrutiny Committees and sub-Committees can refer matters to the Executive. The Business Management Overview & Scrutiny sub-Committee will refer final reports of Task and Finish Groups to the Executive, where the relevant Cabinet Member has the opportunity to respond to the recommendations.

## **10. LIST OF BACKGROUND PAPERS**

10.1 Overview & Scrutiny Procedure Rules, Constitution of the Council

Legal: SS

CFO: CM

## Terms of Reference

### Policy and Performance Overview and Scrutiny Committee

#### Membership

30 Non-executive Members of the Council

Co-opted members, as necessary, in accordance with the provisions of Overview & Scrutiny Procedure Rule 2

#### **Responsibilities;**

1. To appoint annually at the Joint Meeting of Committees, the Business Management Overview and Scrutiny sub-Committee, the Children's Services sub-Committee and the Adult Social Services sub-Committee and such other sub-Committees as may be deemed appropriate.
2. To carry out a general duty to meet at least twice a year to appoint its sub-Committees and Scrutiny Panels/Task and Finish Groups and also set the Overview & Scrutiny annual work programmes, including policy development, in accordance with the provisions of Overview & Scrutiny Procedure Rule 7, for sub-Committees Scrutiny Panels/Task and Finish Groups, working to set limits.
3. To receive and consider the Annual Review of Effectiveness of the Overview & Scrutiny processes and contribute to the Annual Report on the Overview & Scrutiny process in Barnet in accordance with the provisions of Overview & Scrutiny Procedure Rule 8.
4. To contribute as necessary to the review of the operational and constitutional arrangements for Overview & Scrutiny.
5. To have overall responsibility for the review of policy framework and development of policy and strategy not within the remit of the other Overview and Scrutiny Committees by setting tasks and timescales for the Business Management Overview and Scrutiny sub-Committee.
6. To ensure that the annual work programmes of Overview & Scrutiny is reflective of Council priorities as evidenced by the Corporate Plan and the programme being followed by the Executive.
7. Crime and Disorder matters -
  - To deal with all matters, not the responsibility of the Executive, relating to crime, the Crime and Disorder legislation, anti-social behaviour and scrutiny of the Safer Communities Partnership
  - To make recommendations to Council on the appointment of representatives to serve on the body to replace the Police Consultative Group and to receive regular reports as necessary from those representatives

Additionally and insofar are relating to matters within its remit, to perform the Overview and Scrutiny role in relation to:

- The Council's leadership role in relation to diversity and inclusiveness; and
- The fulfilment of the Council's duties as employer including recruitment and retention, personnel, pensions and payroll services, staff development, equalities and health and safety.



### Membership

10 Non-executive Members serving on and appointed by the Policy and Performance Overview & Scrutiny Committee

Co-opted members, as necessary, in accordance with the provisions of Overview & Scrutiny Procedure Rule 2.

**Overall responsibility:** To support the work of the Policy and Performance Overview and Scrutiny Committee

1. As required, The Business Management Overview and Scrutiny sub-Committee will appoint any additional Scrutiny Panels/Task and Finish Groups needed to facilitate the Overview & Scrutiny function.
2. To contribute as required by the Policy and Performance Overview and Scrutiny Committee to the development of the Overview and Scrutiny Annual Work Programme.
3. To instigate and carry out the Annual Review of Effectiveness of the Overview & Scrutiny processes and report thereon to the Policy and Performance Overview & Scrutiny Committee and contribute to the Annual Report on the Overview & Scrutiny processes in Barnet in accordance with the provisions of Overview & Scrutiny Procedure Rule 8.
4. To review each year the operational and constitutional arrangements for Overview & Scrutiny and make recommendations, as necessary, to the Special Committee (Constitution Review) in accordance with the provisions of Overview & Scrutiny Procedure Rule 22.
5. To receive, consider and allocate for action if required, requests, reports and submissions from Council, the Executive, residents' forums, community and volunteer groups, partnership and outside bodies and other locally constituted groups and to respond to "Councillor Calls for Action" under the Local Government and Public Involvement in Health Act.
6. To co-ordinate and monitor the work of Scrutiny bodies and Task and Finish Groups, to consider the most appropriate arrangements for reviews, to consider the recommendations from these and where appropriate, make recommendations to the Council, the Executive or Policy and Performance Overview & Scrutiny Committee.
7. To consider the most appropriate arrangements for reviews, whether by politically balanced committees or panels, non-proportional panels or a rapporteur with a cross-party reference group and, where appropriate, make recommendations to the Policy and Performance Overview and Scrutiny Committee.
8. To carry out such tasks and responsibilities delegated by the Policy and Performance Overview and Scrutiny Committee.
9. To ensure that Overview & Scrutiny in Barnet is reflective of Council priorities as evidenced by the Corporate Plan and the programme being followed by the Executive.
10. Scrutinising Executive decisions as appropriate by means of the Call-in arrangements in Rule 16 (e) of the Overview & Scrutiny Procedure Rules

11. Additionally and insofar as relating to matters within its remit, to perform the Overview and Scrutiny role in relation to:-
- The Council's leadership role in relation to diversity and inclusiveness; and
  - The fulfilment of the Council's duties as employer including recruitment and retention, personnel, pensions and payroll services, staff development, equalities and health and safety.

## Children's Services Overview & Scrutiny sub- Committee

### Membership

10 Non-executive Members serving on and appointed by the Policy and Performance Overview & Scrutiny Committee.

Co-opted members, as necessary, in accordance with the provisions of Overview & Scrutiny Procedure Rule 2.

<b>VOLUNTARY AIDED SCHOOL REPRESENTATIVES (3)</b>
<ul style="list-style-type: none"><li>• One Church of England diocese representative</li><li>• One Roman Catholic diocese representative</li><li>• One representative of persons who appoint foundation governors to voluntary aided Jewish schools</li></ul>
<b>PARENT GOVERNOR REPRESENTATIVES (2)</b>
Two parent governor representatives - one for secondary schools and one for primary schools

### **Responsibilities;**

To perform the Overview and Scrutiny role in relation to:

1. The Council's functions as an education authority including raising and enhancing standards in schools, services to schools, Early Years Provision and the Youth Service for clients up to the age of 19;
2. The provision of opportunities for ongoing education, skills development and training including adult education and literacy;
3. Services for children, young people and their families including Children's Social Services, the Council's corporate parenting role, the Youth Offending Team and the Youth Justice Plan.
4. Local NHS services and health-related issues which impact upon the health of Barnet children and young people aged up to 18, in accordance with the powers granted under Section 7 of the Health and Social Care Act 2001.
5. Cultural and recreational services including sports and leisure facilities, libraries, arts, museums, countryside sites and public events;
6. Any other:
  - non-educational issues relevant to supporting vulnerable children and young people in Barnet or improving their life chances, directly or in partnership with others;
  - issues relevant to the provision and development of first class education and lifelong learning in Barnet, directly or in partnership with others;
  - issues relevant to the promotion and development of culture, recreation, sport and tourism, directly or in partnership with others.

7. Additionally, and in so far as relating to matters within its remit, to perform the Overview and Scrutiny role in relation to:
- The Council's leadership role in relation to diversity and inclusiveness; and
  - The fulfilment of the Council's duties as employer including recruitment and retention, personnel, pensions and payroll services, staff development, equalities and health and safety.

### Membership

10 Non-executive Members serving on and appointed by the Policy and Performance Overview & Scrutiny Committee

### **Responsibilities;**

1. To scrutinise Community care services for older people and vulnerable adults, including those who have physical disabilities, sensory impairment, learning disabilities, mental health needs or other special needs, and such preventative, advice and advocacy transport, respite and other services as may be needed to help people remain independent in their own homes.
2. To scrutinise and review promotion of effective partnerships with health and other agencies in the public, private and voluntary sectors to support the above.
3. Any other issues relevant to supporting vulnerable people in the community or promoting good health in Barnet, directly or in partnership with others.
4. To contribute to the Annual Report on the Overview & Scrutiny process in Barnet in accordance with the provisions of Overview & Scrutiny Procedure Rule 8.
5. To consider the following:
  - Annual Complaints Report (Adult Social Services)
  - Annual Performance Plan for CSC Inspection (Adult Social Services)
  - Annual report on Safeguarding Vulnerable Adults (regulator expectation).
6. Additionally and insofar as relating to matters within its remit, to perform the Overview and Scrutiny role in relation to:-
  - The Council's leadership role in relation to diversity and inclusiveness; and
  - The fulfilment of the Council's duties as employer including recruitment and retention, personnel, pensions and payroll services, staff development, equalities and health and safety.

### Membership

10 Non-executive Members

### **Responsibilities;**

To scrutinise;

1. The overall performance, effectiveness and value for money of Council services, including the planning, implementation and outcomes of all corporate improvement strategies;
2. The effectiveness of the Council's partnerships in furthering the Council's community and corporate plans, communication and public consultation;
3. The Council's Information and Communications Technology systems including e-government, investment, implementation and service delivery.
4. Scrutinising the Council's annual budget process, reviewing and scrutinising its performance in relation to budget management, and assisting the Council in developing the three-year budget strategy.
5. To consider, consult upon, comment and, where appropriate, make recommendations to the Executive in respect of the proposed Council budget and Medium Term Financial Strategy.
6. The financial management of resources available to the Council including property and asset acquisitions and disposals, reviewing the council-wide property and asset strategy and the capital investment programme.
7. To contribute as required by the Policy and Performance Overview and Scrutiny Committee to the development of the Overview and Scrutiny Annual Work Programme.
9. To contribute to the Annual Report on the Overview & Scrutiny process in Barnet in accordance with the provisions of Rule 7.
10. To undertake scrutiny of:
  - Local Strategic Partnership
  - Thematic Boards
  - Partnerships and sub-Partnerships
  - Relevant partner associations not covered by other stand alone committees.
11. Additionally and insofar as relating to matters within its remit, to perform the Overview and Scrutiny role in relation to:
  - The Council's leadership role in relation to diversity and inclusiveness; and

- The fulfilment of the Council's duties as employer including recruitment and retention, personnel, pensions and payroll services, staff development, equalities and health and safety.

### Membership

10 Non-executive Members of the Council

### Responsibilities

1. To set work programmes, including policy development.
2. To contribute to the Annual Report on the Overview & Scrutiny process in Barnet in accordance with the provisions of Rule 8.
3. To perform the overview and scrutiny role in relation to health issues which impact upon the residents of the London Borough of Barnet and the functions services and activities of the National Health Service (NHS) and NHS bodies located within the London Borough of Barnet and in other areas.
4. To make reports and recommendations to the Executive and/or other relevant authorities on health issues which affect or may affect the borough and its residents.
5. To receive, consider and respond to reports and consultations from the Barnet Primary Care Trust and/or other health bodies.
6. To invite executive officers and other relevant personnel of the Barnet Primary Care Trust and/or other health bodies to attend meetings of the Overview and Scrutiny Committee as appropriate.
7. To scrutinise and review promotion of effective partnerships with health and other agencies in the public, private and voluntary sectors.
8. To make recommendations as necessary to the Council for the formation of Joint Overview and Scrutiny Committees in accordance with the provisions of the section 21 of the Local Government Act 2000 as amended by the Health and Social Care Act 2001.
9. Additionally and insofar as relating to matters within its remit, to perform the overview and scrutiny role in relation to:
  - The Council's leadership role in relation to diversity and inclusiveness; and
  - The fulfilment of the Council's duties as employer including recruitment and retention, personnel, pensions and payroll services, staff development, equalities and health and safety.



## APPENDIX B

### Overview & Scrutiny work – 2009/10

<b>Policy and Performance Overview &amp; Scrutiny Committee</b>
<ul style="list-style-type: none"><li>• This over-arching committee has been responsible for appointing Sub-Committees and Task and Finish Groups.</li><li>• Comprising 30 Members, it will have met on three occasions this municipal year.</li><li>• Has undertaken initial Scrutiny of the Corporate Plan, which was later continued by the Budget and Performance Overview &amp; Scrutiny Committee</li><li>• Will exercise the Crime &amp; Disorder Scrutiny function through meeting with Borough Commander on April 13<sup>th</sup> 2010</li></ul>
<b>Budget and Performance Overview &amp; Scrutiny Committee</b>
<ul style="list-style-type: none"><li>• The committee has scrutinises the Council's Corporate Performance Data on a quarterly basis</li><li>• The committee has also scrutinised partners through receiving the annual review of partnerships and Barnet Homes performance information</li><li>• The committee has been responsible for Scrutiny of the budget through regularly receiving the Financial Forward Plan and Risk Register, has lent its input into proposals around budget consultation and received and commented to Cabinet on the Budget headlines</li><li>• Has also engaged in pre-decision Scrutiny including on the new Corporate Plan.</li></ul>
<b>Health Overview &amp; Scrutiny Committee</b>
<ul style="list-style-type: none"><li>• Responsible for scrutinising the borough's Health partners, the committee has received reports on a number of strategies and initiatives from NHS Barnet, Barnet Enfield and Haringey Mental Health Trust and other stakeholders.</li><li>• Regularly monitored NHS Barnet's response to the swine flu update</li><li>• Responded to the Healthcare for London proposals around stroke and trauma including making representations to the Joint Committee</li><li>• Established relationships and protocols for referral with the Local Involvement Network (LINKs)</li></ul>
<b>Business Management Overview &amp; Scrutiny Sub-Committee</b>
<ul style="list-style-type: none"><li>• Determined the procedure for the management of call-ins, considered ten call-ins and completed a review of the arrangements after six months</li><li>• Monitored the Cabinet Forward Plan and undertaken pre-decision scrutiny of Town Centre Strategies, the Housing Strategy and the Local Development Framework Core Strategy.</li><li>• Monitored Task and Finish Groups</li><li>• Agreed a procedure for dealing with Councillor Calls for Action</li></ul>
<b>Adult Social Services Overview &amp; Scrutiny Sub-Committee</b>

- This committee has reviewed community care services for older people and vulnerable adults
- Has scrutinised services which may be needed to help people remain independent in their own homes and partnerships with other public, private and voluntary sector agencies.
- Scrutinised a number of initiatives such as the Prevention framework, the Annual Adult Safeguarding Report and the Green Paper on Adult Social Care.

#### **Children's Service Overview & Scrutiny Sub-Committee**

- Has looked at the Council's education services, children's social care services, function as a Local Education Authority and corporate parenting role for children in care.
- Reviewed health-related issues affecting children and young people
- Scrutinised non educational issues relevant to supporting vulnerable children and young people in Barnet in council and non-council provided services

#### **Ad Hoc Overview & Scrutiny Committee – Icelandic Banks**

- Appointed and monitored the work of an external review into the Council's deposits in Icelandic banks.
- Endorsed the recommendations of the review, which included strengthening of monitoring of Treasury Management activity.

#### **Ad Hoc Overview & Scrutiny Committee – Utility Problems in East Barnet**

- Received evidence from local residents, elected representatives, officers of the Council and utility companies on the utility problems in East Barnet in December 2009.
- Findings will be reported to Council on 20<sup>th</sup> April 2010.

#### **Future Shape Overview & Scrutiny Panel**

- Undertook pre-decision scrutiny of the work of the One Barnet Programme Board (the project board responsible for implementing the Future Shape programme), looking in detail proposals relating to:
  - Establishment of a Joint Venture Company for Regeneration / Local Asset Backed Development and Investment Vehicle; and
  - Commissioning of Planning, Housing and Regulatory Functions.
- Made recommendations to the One Barnet Programme Board and Cabinet Resources Committee on the proposals.

#### **Overview & Scrutiny Task and Finish Groups**

- Task and Finish Groups have undertaken work on the following topics:
  - Enterprise
  - Advice Provision
  - School Place Planning
  - Road Resurfacing
  - Homelessness and Young People

- Recycling and Waste Minimisation
- Task and Finish Groups comprise five Members, and conduct clearly-scoped, time-limited work with the intention of producing a small-number of SMART recommendations for the Cabinet.