

	<h2>Adults &amp; Health Overview and Scrutiny Sub-Committee</h2>
<b>Title</b>	Overview and Scrutiny Arrangements
<b>Date of meeting</b>	28 June 2023
<b>Report of</b>	Head of Governance
<b>Wards</b>	All
<b>Status</b>	Public
<b>Urgent</b>	No
<b>Appendices</b>	Appendix A – Scrutiny Review Topic Selection Criteria 2023-24 Appendix B – Scrutiny Scoping Topic Template Appendix C – Scrutiny Scoping Topic Guidance
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<b>Summary</b>	
This report sets out Overview & Scrutiny arrangements at Barnet following the move to Executive arrangements at Annual Council on 23 May 2023.	
<b>Recommendations</b>	
<b>That the sub-Committee note and comment on the Overview and Scrutiny arrangements as outlined in the report.</b>	
<b>1. Reasons for the Recommendations</b>	
<p><b>Background</b></p> <p>1.1 This report aims to provide information to everyone involved in the overview and scrutiny process at the London Borough of Barnet following a move to Executive arrangements at Annual Council on 23 May 2023. This report has also been considered by the Overview &amp; Scrutiny Committee and Children and Education Overview &amp; Scrutiny Sub-Committee at their first meetings in June 2023.</p>	

- 1.2 Barnet has previously operated Executive arrangements (including overview and scrutiny committees, sub-committees, task & finish groups, and panels) between the early 2000's up to 2014 when the Council moved to a Committee System of governance. Between 2014 and 2023, scrutiny was undertaken by 'theme committees' (e.g., Policy & Resources, Environment & Climate, Housing & Growth, Adults & Safeguarding, Children & Education, Community Leadership & Libraries) – those committees not only made decisions on matters within their remit, but also monitored delivery of approved plans and strategies.
- 1.3 Following the local election in 2022, the new Labour Administration passed a motion in July 2022 requesting officers to develop proposals to deliver the following:
- Move to a Cabinet system to ensure speed of decision-making, and clear accountability for decisions;
  - Put in place arrangements for a robust Overview and Scrutiny function to ensure involvement by a wider range of cross-party members in development of policy, for example through task and finish groups, as well as pre and post decision scrutiny; and
  - Strengthen opportunities for public participation.
- 1.4 In developing options for Barnet, benchmarking was undertaken to consider the optimal arrangements for Overview & Scrutiny in the Borough. Following consideration by a cross-party Constitution Review Member Working Group, Council agreed the following committee structure:
- Overview & Scrutiny Committee
  - Children & Education Overview & Scrutiny Sub-Committee
  - Adults & Health Overview & Scrutiny Sub-Committee
- 1.5 In addition to the committees and sub-committees, there will be several informal 'Task & Finish Group' reviews also taking place during the year.
- 1.6 The overview and scrutiny committees, sub-committees, and task & finish groups are supported by a dedicated Overview & Scrutiny Team in the Governance Service comprising: one Overview & Scrutiny Manager; and two Principal Overview & Scrutiny Officers. The Head of Governance will act as the Statutory Scrutiny Officer as required by legislation.
- What is Overview & Scrutiny?**
- 1.7 Overview and Scrutiny was introduced as part of the modernisation agenda for local government under the Local Government Act 2000. This Act required Local Authorities to develop a new political structure and arrangements to replace the old Committee system. An essential part of these new arrangements was the introduction of Overview and Scrutiny – designed to hold the Executive to account and to help in the development of new policies.
- 1.8 The Overview and Scrutiny Committee and Sub-Committees are not decision-making bodies – they have no executive authority over the business of the Council. Their role relates to scrutiny and review, and their power lies in raising awareness of important issues and placing influence on others to take action.
- 1.9 The overview and scrutiny process provides an opportunity for Councillors and, in some cases, external representatives, to examine various functions of the Council, to ask questions about how decisions have been made and to consider whether service improvements can be put in place. It provides an opportunity for Councillors to champion issues of public concern and to

participate in the development of new policies. It facilitates debate about priorities, budget, the strategy of the Council and its vision for the Borough.

- 1.10 Overview and Scrutiny is a positive activity and should contribute to the delivery of efficient and effective services that meet the needs and aspirations of the local community. Scrutiny Members should not shy away from the need to challenge and question decisions and make constructive criticism but should avoid unnecessary conflict and confrontation.
- 1.11 The role of overview and scrutiny also provides new opportunities for public involvement and debate, supporting the Council in taking a community-orientated approach and bringing new ideas and wider experience into the Council processes.
- 1.12 Overview and Scrutiny requires new ways of working and different skills for all concerned. To work effectively, overview and scrutiny needs to be Member-led.

### **What Overview and Scrutiny is not**

- 1.13 Overview and scrutiny is not:
- Regarded as 'Opposition' – its role is as a 'critical friend';
  - It should not use performance review as punishment;
  - Considered an 'add on';
  - A 'talking shop' for members – Cabinet Members and officers need to take the role of scrutiny seriously and understand the value that can be added; or
  - Exclusively for Scrutiny Committee Members – it should involve Non-Executive Members, partners, agencies and the public.

### **Overview and Scrutiny Work**

- 1.14 The Overview and Scrutiny committees and sub-committees can:
- Review and/or scrutinise decisions made or actions taken by the Executive, individual Executive Members or Officers of the Council;
  - Prepare reports and/or recommendations to Council and/or the Executive;
  - Consider any matter affecting the area or its inhabitants;
  - Exercise the right to Call-in, for reconsideration, decisions made but not yet implemented by the Executive;
  - Require Executive Members and senior officers to attend meetings and to be challenged about matters within their areas of responsibility;
  - Invite expert advisors and other members of the Council and members of the public to take part in Scrutiny reviews;
  - Refer matters to 'Task & Finish Groups' made up of smaller groups of Councillors to undertake in-depth reviews;

### **Council Structure**

- 1.15 The Council has 63 Councillors in total who are elected by local residents and represent 24 wards. The whole Council agrees the Budget and Policy Framework. Day-to-day decisions are

then made by the Executive comprising a Leader (appointed by Council) and nine Councillors (who are appointed by the Leader). The Council also has several other committees to deal with such matters as planning, licensing, governance, audit, and standards matters. Several boards are also in place which support work with the council's partners.

1.16 The rules governing the way in which the Overview and Scrutiny Committee operates can be found in the Council's Constitution (Part 2B and 2C – Terms of Reference of Committees; Part 3C – Committee Procedure Rules; Part 3D – Access to Information Procedure Rules; and Part 3E – Access to Information Procedure Rules).

1.17 As set out above, the overview and scrutiny committee structure is as follows:

- Overview & Scrutiny Committee
- Children & Education Overview & Scrutiny Sub-Committee
- Adults & Health Overview & Scrutiny Sub-Committee

1.18 The Vice-Chairs of the Committee and Sub-Committees are opposition Members by convention.

### **Task & Finish Groups**

1.19 Task & Finish Groups are an important element of the work of overview and scrutiny. They are a small group of Councillors (usually no more than four to six) who are asked to carry out an in-depth piece of work. Task & Finish Groups are set up individually for each review. The topic to be reviewed is chosen by the Overview & Scrutiny Committee or one of the sub-committees, but it is for the Group itself to decide upon the way it chooses to carry out the review. Membership of the Task & Finish Group can be drawn from all Councillors, and it is not limited to the Members of the overview and scrutiny committees or sub-committees. It is often useful to include Members with a range of views and perspectives.

1.20 A Task & Finish Group allows a topic to be investigated in-depth and it will normally take around three months to complete their work. The Task & Finish Group must be clear on the purpose, rationale and objectives of their review and set an anticipated completion date. Groups may need to draw on evidence from officers, citizens, partners, subject matters experts, or others when undertaking their review and gathering evidence. When the review has completed, the Group will prepare a report for consideration of the relevant committee or sub-committee. Task & Finish Group review reports may then be reported to Cabinet, Council, or an external agency.

### **Annual Report**

1.21 The Overview and Scrutiny Committee prepares an Annual Report which details the work that has been undertaken during the year. The Annual Report outlines the work of the committee, sub-committees, and task and finish groups. This will include details of recommendations made and approaches to scrutiny which have proved effective during the year. The Annual Report will also outline work proposed to be undertaken during the next municipal year. The Annual Report will be presented to Council by the Chairman of the Overview & Scrutiny Committee. It will be reported to the Overview & Scrutiny Committee and receive input from all chairs and vice-chairs before being reported formally.

### **Work Programme**

1.22 The setting of an Annual Work Programme is an important part of the Scrutiny process. Overview and Scrutiny is a Member-led process and as such, Members should lead on

developing the work programme for the Committee, sub-committees, and Task & Finish Groups.

- 1.23 Arrangements for developing the Work Programme for the forthcoming municipal year (May to May) would typically start early in the calendar year (e.g., January or February) in anticipation of the Programme being approved and ready for implementation as soon as the new municipal year starts. As Barnet only changed governance arrangements on 23 May 2023 work programme development for 2023/24 has been accelerated to enable the committee and sub-committees to have a Work Programme for agreement in June. Details of the Work Programme and how it has been developed are set out in a report elsewhere on the agenda.
- 1.24 The Work Programme is a living document and should be subject to regular review. It should have a balance of planned and reactive work to enable scrutiny to examine issues that arise during the year. Members should consider the resource implications and be aware of the resource requirements of larger reviews. The Work Programme should also have capacity to consider matters referred to scrutiny by the Executive or others. In putting the Work Programme together, regard should be given to Members' capacity to deliver the programme and the capacity of officers to support them. A good maxim would be 'If in doubt, leave it out'. It is far better to do a few topics well, than many topics poorly.
- 1.25 The Work Programme includes within it ongoing issues such as performance management, budget monitoring and risk, plus one-off issues and reviews that may be dealt with in committee or via a Task & Finish Group.
- 1.26 The Work Programme will be reported to Council for information at the beginning of the year.

### **Scrutiny Topics**

- 1.27 Councillors, officers, and members of the public can suggest a topic for the Committee to scrutinise. Members of the public can submit their suggestions via the e-form on the Council's website<sup>1</sup>. Topics can also be referred to the Overview and Scrutiny Committee by the Executive or Council.
- 1.28 Recent changes in legislation also make it possible for Councillors to refer matters to scrutiny through what is called a 'Councillor Call for Action' (CCfA). More information on this is provided in 1.62 to 1.71 of this report.
- 1.29 Councillors, Officers and members of the public can suggest a topic for the Committee to scrutinise. Members of the public can submit their suggestions via the e-form on the Council's website. Topics can also be referred to the Overview and Scrutiny Committee by the Executive or Council.
- 1.30 Under Part 3C (Committee Procedure Rules) of the Constitution, section 37.4 states that "Any voting member of the Overview and Scrutiny Committee or the Overview and Scrutiny sub-committees is entitled by giving at least seven clear working days' notice before the meeting to the Monitoring Officer or Head of Governance, that they wish an item relevant to the functions of the Committee or sub-committees to be included on the agenda. The Monitoring Officer or Head of Governance will ensure that the matter is included on the agenda."

### **Topic Selection**

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<sup>1</sup> [Overview and Scrutiny | Barnet Council](#)

1.31 Before a subject is chosen for review, at least one of the following criteria should be met to establish whether the proposed topic should be selected:

- Can Scrutiny add value?
- Does it reflect public interest? What are the likely benefits to the Council and our customers?
- Is the issue a priority? How does it link in with the Council's priorities?
- Will it duplicate?
- What are the potential risks? Is there capacity and available resources to consider this issue?
- Can impact be measured?

1.32 The Overview and Scrutiny Committee will not deal with a topic if:

- The topic is already being addressed;
- The matter is prejudicial to the Council's interests;
- The topic involves an individual disciplinary or grievance matter;
- Scrutiny Review of the proposed topic is unlikely to result in improvements for local people.

1.33 It is important that all topics are assessed against the criteria to ensure that time is not wasted on impulse decisions. That way, less important matters can be rejected in a structured transparent way.

1.34 Scrutiny Review Topic Selection criteria for 2023/24 (Appendix A) have been developed to assist in selecting topics and reported to committee and sub-committees.

### **Undertaking a Task & Finish Group Review**

#### Step 1 – Topic Selection

1.35 Scrutiny topics are proposed by the Overview and Scrutiny Committee and sub-committees. Items can come from a variety of sources including Members of the Council, members of the public or be referred to the Committee by the Executive or Council. Scrutiny reviews can take place in the Overview & Scrutiny Committee or sub-committees, but in the majority of cases allocated to a Task & Finish Group.

#### Step 2 – Scoping and Planning the Review

1.36 Before the committee or sub-committee can agree a review, a 'Scrutiny Scoping Topic Template' must be completed and submitted.

1.37 A Scrutiny Scoping Topic Template (Appendix B) and Guidance (Appendix C) have been developed to assist in scoping topics.

1.38 Comprehensive scoping and planning is essential in order to ensure that the scrutiny review is as effective as possible - if a review is too broad, it may not be possible to identify the necessary resources to complete the review within the proposed timescale and the review may lose its focus, leading to ineffective outcomes.

1.39 Once a scrutiny review topic has been agreed, it is likely that a Task & Finish Group will be established to undertake the review (although this is not always necessary). The Committee will encourage interested (non-Executive) Councillors to volunteer to sit on the Task & Finish Group.

1.40 The Terms of Reference of scrutiny reviews should consider:

- The purpose, rationale and objectives of the review
- Key issues and areas of focus
- Responsibilities of Councillors and Officers
- The risks involved in undertaking the review (and how they can be minimised)
- How the review will be undertaken
- Timescales

1.41 At the first meeting of the Task & Finish Group, the Members will:

- Determine dates for future meetings of the Group
- Establish a target date for completing the review and submitting a final report to the Overview and Scrutiny Committee

1.42 Task & Finish Groups are encouraged to consider innovative and imaginative ways of working. Examples of such working can include holding meetings at locations across the Borough, use of questionnaires and the staging of public meetings.

#### Stage 3 – Collecting Evidence

1.43 What information is going to be needed? Once the scope for the Review has been agreed, the Task & Finish Group will need to consider what information is required to fulfil the objectives of the Review.

1.44 When the information requirements have been identified, the Task & Finish Group will need to identify where and how the information can be gained, with consideration given to:

- Undertaking site visits
- Calling on expert witnesses Council and external sources
- Hearing evidence from community and voluntary groups, the public and business sector, and consulting service user groups and local interest groups.
- Commissioning research & researching best practice through local government organisations e.g., [www.idea.gov.uk](http://www.idea.gov.uk), [www.lga.gov.uk](http://www.lga.gov.uk)
- Joint working with other authorities and organisations
- Officer reports and presentations

#### Stage 4 – Considering Evidence

1.45 When the evidence has been collected the Task & Finish Group will need to meet to consider and analyse the findings. It is important that both the findings and the recommendations are drawn out of the evidence and are adequately supported by it.

#### Stage 5 – Report

1.46 A draft report based on the Task Groups' finding and recommendations will be prepared by the Chairman of the Task Group and the appointed Lead Officer. Recommendations should:

- Be based on clear evidence;
- Address identified need;
- Link to Council priorities;
- Demonstrate tangible benefits;
- Take account of resources.

1.47 The final report and any recommendations from the Task & Finish Group will be considered the relevant overview and scrutiny committee or sub-committee before being recommended to the Executive or partner agency. Any changes to the Council's agreed Budget and Policy Framework will then need to be dealt with by way of a recommendation to Council.

1.48 In the event of there being dissent from the recommendations, a minority report will also be allowed to be forwarded to the Executive, Council, or partner agency, proposing an alternative course of action.

#### Stage 6 – Feedback and Monitoring

1.49 Following the reporting process, it is important that feedback is given to contributors to the Review and stakeholders concerned about the outcome. The feedback should make it clear what actions are proposed as a result of the Review.

1.50 The Overview and Scrutiny Committee will need to make suitable arrangements to monitor the implementation of the recommendations adopted, and request progress reports from officers and Portfolio Holders.

#### **Call-In Procedure**

1.51 One of the main responsibilities of the overview and scrutiny is to hold the Executive to account. They can do this by 'calling-in' a decision of the Executive and preventing the decision from being implemented until it has been fully discussed by the Call-In Sub-Committee.

1.52 Although the Call-In Sub-Committee cannot change the decision, it can refer the matter back to the decision taker to ask for the decision to be reviewed or to consider an alternative course of action.

1.53 The Call-In procedure does not apply where the decision being taken by the Executive is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would be seriously prejudicial to the Council's or public interest.

1.54 Once a decision has been made by the Executive, Councillors have five working days to Call-In a decision. If the decision is called-in, it cannot be implemented until it has been referred to the Call-In Sub-Committee for consideration.

1.55 A Call-In Sub-Committee must be convened within 7 clear working days of receipt of the request for call-in.

1.56 Membership of the sub-committee will be drawn from the membership of the Overview & Scrutiny Committee or Sub-Committees as and when a Call-In Sub-Committee is required to be convened.

1.57 A call-in must meet one of the following criteria:

- Inadequate consultation with stakeholders



- Absence of adequate information on which to base a decision
- Contrary to the Budget or Policy Framework
- Action not proportionate to the desired outcome
- Human rights, equalities, or undermines corporate parenting responsibilities
- Inadequate consideration of legal and financial advice
- Decision was key and not labelled as such

1.58 Following consideration of the call-in, the Call-In Sub-Committee has three options:

1. That the challenge to the decision should be taken no further and the decision may be implemented;
2. That the decision is contrary to the policy framework or contrary to or not wholly in accordance with the budget framework, and should therefore be referred to the Council. In such a case the Call-In Sub-Committee must set out the nature of its concerns for Council; or
3. That the matter should be referred back to the decision taker (i.e., the Executive or Joint Committee) for reconsideration. In such a case the Call-In Sub-Committee must set out the nature of its concerns for the decision taker/Executive

1.59 In the event of a referral-back, the Executive or Portfolio Holder must reconsider the decision within ten clear working days of that referral or at the next meeting of Cabinet. The original decision may then be confirmed or amended in the light of the comments of the Call-In Sub-Committee.

1.60 If the Call-In Sub-Committee refers the matter to Council, the decision shall be discussed at the next ordinary meeting of Council. The Council when considering the matter may conclude:

1. That the challenge to the decision should be taken no further and the decision may be implemented;
2. That the decision is contrary to the policy framework or contrary to or not wholly in accordance with the budget and cannot therefore be implemented; or
3. That the matter should be referred back to the Executive, Portfolio Holder, officer or Joint Committee for reconsideration. In such a case the Council must set out its reasons for the referral; or
4. Acknowledge that the decision is contrary to the policy framework, or contrary to or not wholly in accordance with the budget framework, but approve an amendment to the particular policy or budget to allow the decision to be implemented.

1.61 The terms of reference of the Call-In sub-Committee can be found in Part 2B and 2C – Terms of Reference of Committees and the arrangements for call-in are set out in Part 3C – Committee Procedure Rules.

### **Councillor Call for Action**

1.62 The Councillor Call for Action (CCfA) was introduced in the Local Government and Public Involvement in Health Act 2007. CCfA enables any member of the council to refer an issue affecting their ward to the scrutiny committee as long as the issue relates to a local government service.

- 1.63 The Police and Criminal Justice Act 2006 also made provision for a Call for Action regarding crime and disorder issues.
- 1.64 There are some issues that are excluded from referral as a CCfA including:
- planning and licensing decisions
  - any matter where the person or entity has a statutory right of review or appeal (not including the right to complain to the Ombudsman). For example a matter relating to a housing benefit appeal
  - any matter that is vexatious, discriminatory or not reasonable.
- 1.65 A CCfA referral will ensure that an issue is included on the agenda of the relevant overview and scrutiny committee or sub-committee. It is up to the committee or sub-committee to decide whether or not to take the matter further once it has been considered by councillors.
- 1.66 In deciding whether or not to look in detail at a CCfA, scrutiny will use the criteria below to make its decision:
- Is the committee/sub-committee satisfied that appropriate attempts at resolving the issue/problem have been made by the ward councillor before initiating the CCfA?
  - Has the committee/sub-committee considered a similar issue recently - if the answer is yes has the circumstances or evidence changed?
  - Has the relevant service or partner agency been informed and been given enough time to resolve the issue? What response has the councillor received?
  - Is this a case that is being, or should be pursued, via the council's corporate complaints system?
  - Is this an issue currently being looked at by another form of local scrutiny?
- 1.67 Having considered a CCfA, scrutiny could take one or more of the following actions in response:
- ask for further evidence to be brought to a future meeting;
  - require the partner authority to provide further information;
  - require the attendance of members of the Cabinet or senior officers to attend a future meeting to answer questions;
  - set up a Task & Finish Group to undertake a more in-depth review.
- 1.68 The committee/sub-committee can make a report or recommendations to the Cabinet or partner agency and:
- publish that report
  - require the executive to consider the report and respond to that report setting out what action they propose to take
  - require the executive to publish their response
  - require the executive to send a copy of the response to the member who initiated the CCfA
  - require the partner agency to have regard to the report when exercising their functions.

- 1.69 If the committee/sub-committee decides to take any action then it will inform the councillor that raised the CCfA and provide that councillor with a copy of any report or recommendations that are made in relation to the CCfA.
- 1.70 Where relevant the councillor will also be provided with any response received from the Cabinet or a partner organisation in relation to the CCfA.
- 1.71 If the scrutiny committee/sub-committee decides not to consider a CCfA or on consideration decides no further action is necessary, it must inform the councillor who raised the CCfA and explain the reasons why.

### **Public Participation**

- 1.72 Public participation is an important part of the scrutiny process and there are a number of ways members of the public can get involved and keep updated.
- Suggesting topics for scrutiny
  - Be a witness
  - Ask a question or make a comment
  - Attend a meeting
- 1.73 The Overview and Scrutiny may request a range of individuals to give evidence and answer questions on a particular topic. These can include:
- Portfolio Holders
  - Senior Officers
  - Members of the Public
  - Outside organisations / service providers
  - Experts
- 1.74 Most of the discussions in Overview and Scrutiny Committee and Sub-Committee meetings will take place in public and the press are also invited to attend. Task & Finish Groups are usually not held in public, although their final report to the Committee or Sub-Committee will most likely be a public document.

### **Witness / Expert Attendance at Meetings**

- 1.75 Witnesses and experts have a key role to play in helping the Overview and Scrutiny Committee/Sub-Committee and Task & Finish Groups to fulfil their objectives. Examples of experts and witnesses may include Portfolio Holders, Union representatives, subject matter experts, external partners, local businesses, and voluntary sector groups.

#### Prior to the Meeting

- 1.76 The Chairman or Scrutiny Officer will:
- Inform the witness of the time place and date of the meeting;
  - Inform the witness of the issue the Committee would like to question them about;

- Inform the witness of any written information or documentation that the Committee may require;
- Provide the witness with copies of the agenda and relevant reports; and
- Answer any questions the witness may have.

At the Meeting

1.77 Overview and Scrutiny meetings are normally held in public and there will often be members of the press and public in attendance. There will also be Committee Members, Officers and possibly other Councillors and witnesses. The Scrutiny Officer will have contacted the witness/expert before the meeting to meet them and explain the format of the meeting. The Chairman will also introduce her/himself.

1.78 The witness/expert may have been asked to provide the Committee with a presentation. The Members of the Committee will then ask the witness/expert questions in an orderly and respectful manner. Witnesses & experts should take their time to answer the questions clearly, if they are unsure of an answer or do not understand a question, they are encouraged to say so.

After the Meeting

1.79 It is good practice for the Chairman of the Overview and Scrutiny Committee, Sub-Committee or Task & Finish Group to write to the expert/witness to thank them for their attendance and to also inform them of the outcome following consideration of the issue or completion of the review.

**2. Alternative Options Considered and Not Recommended**

2.1 None.

**3. Post Decision Implementation**

3.1 The overview and scrutiny arrangements as detailed above will be implemented during 2023/24.

3.2 A review of effectiveness of the Council’s overview and scrutiny arrangements will be considered as the new governance arrangements are implemented during 2023/24 with refinements made to improve arrangements as required.

**4. Corporate Priorities, Performance and Other Considerations**

**Corporate Plan**

4.1 Overview and Scrutiny will support delivery of all Corporate Priorities as detailed in Our Plan for Barnet 2023 – 2026.

**Corporate Performance / Outcome Measures**

4.2 In relation to outcome measures, overview and scrutiny will positively support delivery of the priority of ‘An engaged and effective council’ specifically:

- Put residents at the heart of what we do. Collaborate, listen and build a dialogue with our residents and communities, working together to co-produce our strategies and services as well as ensuring that decision-making is open, transparent and accountable;

- Make the best possible use of our financial resources, now and in the future, so that we are able to continue to deliver on what matters to Barnet residents;
- Community Participation –
  - We Listen - We seek the views of all our communities; particularly young people, minoritised groups and those less often heard; and We hear, respond and discuss sensitively
  - We are transparent, accessible and open - We encourage participation in our policymaking and democracy; and We are honest about our decisions

### **Sustainability**

- 4.3 The work of overview and scrutiny is expected to support the Council’s targets and objectives on sustainability.

### **Corporate Parenting**

- 4.4 In line with Children and Social Work Act 2017, the council has a duty to consider Corporate Parenting Principles in decision-making across. This duty will be considered when including items to the work programme. This is especially relevant for the work programme for the Children and Education Overview & Scrutiny Sub-Committee but is also relevant to the work of other committees, sub-committees, and Task & Finish Groups.

### **Risk Management**

- 4.5 None in the context of this report.

### **Insight**

- 4.6 Insight data and evidence will be used to support scrutiny reviews on the work programme

### **Social Value**

- 4.7 None in the context of this report.

## **5. Resource Implications (Finance and Value for Money, Procurement, Staffing, IT and Property)**

- 5.1 As part of the Governance review a dedicated team has been created to support the Overview and Scrutiny function and this will be delivered within the existing Governance service budget
- 5.2 Resource implications as they relate to scrutiny reviews will be addressed via reports to committees, sub-committees, Council or Cabinet.

## **6. Legal Implications and Constitution References**

- 6.1 Statutory guidance on overview and scrutiny requires single tier authorities to appoint a Statutory Scrutiny Officer whose role it is to:
- Promote the role of the authority’s scrutiny committee;
  - Provide support to the scrutiny committee and its members; and
  - Provide support and guidance to members and officers relating to the functions of the scrutiny committee.

- 6.2 Barnet has designated the Head of Governance as the statutory Scrutiny Officer (Article 7 – Officers).
- 6.3 Constitution references as they relate to this report are referred to in the body of the report.
- 6.4 The terms of reference of the Overview & Scrutiny Committees and Sub-Committees are set out in Part 2B and 2C of the Constitution. Procedure rules relating to Overview & Scrutiny are set out in Part 3C of the Constitution. Further rules relating to Overview & Scrutiny are set out in Part 3D (Budget and Policy Procedure Rules) and Part 3E (Access to Information Procedure Rules).
- 6.5 The terms of reference of the Adults & Health Overview & Scrutiny Sub-Committee are set out in section 9 and 10 of Part 2B and include:
- All matters as they relate to Adults Social Care;
  - Reviewing and scrutinising, matters relating to the planning, provision and operation of health services in Barnet including inviting the relevant Chief Executive(s) of NHS organisations to account for the work of their organisation (s) as set out and required by the Health and Social Care Act 2001 and related primary and secondary legislation.
  - Referring contested major service reconfigurations to the Secretary of State in accordance with the Health and Social Care Act 2001
  - Receiving and commenting upon any external inspections and reviews
  - To be responsible in accordance with Regulation 28 of the Local Authority (Public Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 for scrutiny of the Council’s health functions other than the power under Regulation 23(9) to make referrals to the Secretary of State.
  - To recommend to Council that a referral be made to the Secretary of State under Regulation 23(9) of the Local Authority (Public Health, Health and Wellbeing and Health Scrutiny) Regulations 2013.
- 6.6 To have specific responsibility for scrutiny of the following functions:
- Health and social care infrastructure and service
  - NHS England, Clinical Commissioning Groups (CCGs) and the Health and Wellbeing Board
  - Public Health
  - Other policy proposals which may have an impact on health, public health, social care and wellbeing.
  - Collaborative working with health agencies.
  - Commissioning and contracting health services.
  - To review the planning, provision and operation of Health services in Barnet and ensure compliance with Regulation 21(1) of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 by inviting and taking account of information and reports from local health providers and other interested parties including the local HealthWatch.
  - Where a referral is made through the local HealthWatch arrangements, to comply with Regulation 21(3) of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 by ensuring that the referral is acknowledged within 20 days and that the referrer is informed of any action taken.
  - Where appropriate, to consider and make recommendations for response to NHS consultations on proposed substantial developments/variations in health services that would affect the people of London Borough of Barnet.

- Where appropriate, to consider and make recommendations for response to consultations from local health trusts, Department of Health and Social Care.
- Care Quality Commission and any organisation which provides health services outside the local authority's area to inhabitants within it.
- To discharge the functions conferred by Section 244 (2ZE) of the National Health Service Act 2006 as amended and Regulation 21 of the Local Authority (Public Health, Health and Wellbeing Board and Health Scrutiny Regulations 2013) of reviewing and scrutinising, matters relating to the planning, provision and operation of health services in Barnet.

To respond to consultations from local health trusts, Department of Health and Social Care and any organisation which provides health services outside the local authority's area to inhabitants within it.

## **7. Consultation**

7.1 Councillors were engaged in the development of overview and scrutiny arrangements in Barnet via a Cross Party Working Group established as part of the Governance Review.

## **8. Equalities and Diversity**

8.1 Pursuant to the Equality Act 2010, the Council and all other organisations exercising public functions on its behalf must have due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; advance equality of opportunity between those with a protected characteristic and those without; promote good relations between those with a protected characteristic and those without. The relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. It also covers marriage and civil partnership with regard to eliminating discrimination. The work of overview and scrutiny will be transparent and accessible to all sectors of the community.

## **9. Background Papers**

- 9.1 Council, 26 July 2022, Item 14.5 - Administration Motion in the name of Cllr Barry Rawlings – Barnet's Governance Arrangements: [Agenda for Council on Tuesday 26th July, 2022, 7.00 pm \(moderngov.co.uk\)](https://www.moderngov.co.uk/2022/07/26/agenda-for-council-on-tuesday-26th-july-2022-7-00-pm)
- 9.2 Barnet Council Constitution: [Agenda for Constitution on Tuesday 23rd May, 2023 \(moderngov.co.uk\)](https://www.moderngov.co.uk/2023/05/23/agenda-for-constitution-on-tuesday-23rd-may-2023)
- 9.3 [Overview and Scrutiny | Barnet Council](#)
- 9.4 [How to get involved in Scrutiny | Barnet Council](#)
- 9.5 [Overview and scrutiny: statutory guidance for councils and combined authorities - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/overview-and-scrutiny-statutory-guidance-for-councils-and-combined-authorities)