

Guidance Notes for External Witnesses at Overview and Scrutiny Meetings

This document is designed to give guidance to anyone participating in a Scrutiny Committee or Scrutiny Task and Finish Groups.

What are Scrutiny Committees or Scrutiny Task and Finish Groups?

Scrutiny Committees are largely made up of Elected Members of the Borough Council who do not sit on the Council's Executive or Audit Committee.

What are the aims of Overview and Scrutiny?

- To hold the Executive, as the political managers of the Council to account;
- To assist the Executive in the development of policy and the review of existing policies;
- To review performance with the objective of encouraging and supporting continuous improvement of services;
- Through scrutiny of external partners and other organisations to help the Council better fulfill its role as a community leader by looking beyond services provided by the Council to consider issues affecting the wider community, i.e. health services and crime and disorder issues, etc.

What this means in practice is that the role of overview and scrutiny is to look at how well the Executive, the Council as a whole and our partners are performing. This is from the position of a 'critical friend' who will focus on improving outcomes for residents. Overview and Scrutiny is not a mechanism for individual complaints to be responded to.

Overview and Scrutiny is about increasing accountability, improving performance and seeking to engage local residents in the organisations whose decisions and actions affect them.

How does Overview and Scrutiny work?

There are five committees undertaking the role of overview and scrutiny within the Council:

- Overview and Scrutiny Management Committee, (which oversees the work of the other Committees as well as undertaking its own work);
- Children's Services Overview and Scrutiny Committee;
- Community Partnerships Overview and Scrutiny Committee;
- Corporate Services Overview and Scrutiny Committee;
- Health Overview and Scrutiny Committee;
- Subject specific Task and Finish Groups to undertake standalone scrutiny reviews.

What are the powers of Overview and Scrutiny?

- To make recommendations to the Executive, full Council, Council departments and other partner bodies such as Clinical Commissioning Groups and hospital Foundation Trusts;
- To co-opt non-Councillors to Committees or Task and Finish Groups to offer expert advice if this was felt to be appropriate or necessary;
- To invite others outside the Council to attend as 'witnesses';
- Overview and Scrutiny cannot make decisions.

Who can be a witness at an Overview and Scrutiny Meeting?

Witnesses can include:

- Community Groups;
- Councillors and Officers;
- Local employers;
- Voluntary sector representatives;
- Members of the public;
- Partner organisation representatives;
- Professional experts;
- Service Users.

Overview and Scrutiny can collect evidence from a wide variety of sources, including:-

- Questioning 'witnesses'/ experts and interested parties
- Literature searches/ deskbound reviews
- Undertaking surveys
- Taking written submissions from professionals, businesses, community groups and individual residents.

Why have I been asked to be a witness?

Being asked to come to meet with Overview and Scrutiny Members, as a 'witness' simply means coming to talk to some Members during one of their Committee or Task and Finish Group meetings to provide information, put your point of view and answer some questions. You will have been asked to attend because it is felt that you have valuable opinions and/or expertise that will help Members gain a better understanding of an issue they are looking at.

Members are lay representatives of the community and in undertaking the Overview and Scrutiny role it is important that they hear from as wide a range of people as possible if they are to come to well-rounded conclusions on the issue they are examining. Meetings to which witnesses have been invited normally take around a couple of hours although they can sometimes be shorter or a bit longer.

If you have been asked to give evidence as part of a scrutiny review into a specific issue, the Overview and Scrutiny Committee or Task and Finish Group will consider all the evidence they have collected before preparing a formal report making recommendations to the Executive or the Council's partners on how services could be improved.

Alternatively, you may have been asked to give evidence in response to a 'call in' whereby the implementation of an Executive decision has been put on hold pending scrutiny's consideration of the matter. In this situation, the Overview and Scrutiny Committee will normally consider all the evidence available to it within one meeting before making a recommendation to the Executive.

If I am asked to attend what will Members ask me?

Together with your invitation to the meeting from the Democratic Services Officer supporting the Committee or Task and Finish Group you will receive:

- details of the Terms of Reference if a scrutiny review is being undertaken;

- details of the reasons for the 'call-in', if the meeting is for that purpose;
- If appropriate information on the subject to be discussed

On occasion, the Overview and Scrutiny Committee or Task and Finish Group may prepare a list of questions in advance if time permits which will be provided to you, but witnesses should not expect Overview and Scrutiny Committees to restrict itself to these only if it is considered to be appropriate. You do not have to answer questions that you feel unhappy answering and it is fine to say if you do not know the answer to a question. The object of the exercise is not to interrogate you, but gather information.

In order to be open and transparent Overview and Scrutiny Committees are required to meet in public save in exceptional circumstances allowed for under the law. Likewise, evidence submitted by you may also be referred to or commented upon in public. If you would like to give some or all of your evidence in private because, you feel it could potentially involve the disclosure of confidential information, please contact Democratic Services to discuss this.

Task and Finish Groups may decide to meet in private, but their final reports will normally be in the publicly available.

What will be the format for the meeting?

The exact format of the meeting may vary dependent upon the topic being considered and circumstances at the time. An explanation of the anticipated format will be discussed with you by the Democratic Services Officer supporting the meeting.

How should I prepare to be a 'witness'?

Following the steps below will help to ensure that you use your time at the meeting to full effect:

- Read all the papers for the Overview and Scrutiny meeting you have been invited to. This will ensure you have knowledge of the key concerns or developments being explored by the Committee;
- Be prepared for the possibility that the Committee or Task and Finish Group might ask you to make some brief opening remarks on the issue being scrutinised;
- As time at the meeting will be limited, all witnesses are usually invited to submit written evidence beforehand. This helps to make the meeting as evidence based and productive as possible as Members will have an opportunity to consider this information prior to the meeting and ask questions at the meeting for clarification;
- Recognise that Committee Members may not be expert in your area. Try to avoid jargon/professional speak when giving answers;
- Talk to the Democratic Services' Officers supporting the Overview and Scrutiny process. Officers will be able to tell you the Committee or Task and Finish Group's expectation of you;
- Remember that attending an Overview and Scrutiny meeting represents an opportunity to present your individual or organisation's knowledge and experiences directly to Members.

What happens after I have given my evidence?

Usually you will only be asked to give evidence on one occasion, but if there is a need for the Committee or Task and Finish Group to speak to you again the Democratic Services Officer will contact you as soon as possible.

If the Overview and Scrutiny Committee or Task and Finish Group were undertaking a scrutiny review it will consider all the evidence available to it before coming up with its findings and recommendations which will be compiled into a report. It is possible that after giving evidence you could be asked to comment on a draft report for matters of clarification; but please remember that it is the Overview and Scrutiny Committee or Task and Finish Group itself that has the final say on content of any report. The report will then normally be considered in draft by the appropriate Committee or Task and Finish Group prior to submission to the Executive or Partner organisation.

The Executive or Partner Organisation can decide to accept all the recommendations made, partially accept them or decline to accept any of them.

If the Committee has asked you to attend as a witness in respect of a specific item on its Agenda you will normally be given the opportunity to make comments on the draft minutes of the meeting prior to their publication, but it is the Committee that makes the final decision as to the accuracy of any minutes.

If the Overview and Scrutiny Committee was conducting a review in response to a 'call-in' it will not produce a report, but may decide to confirm the decision that was called in, (in which case it becomes effective immediately) or make other recommendations to the Executive for them to consider.

Further information

Agendas and minutes of Overview and Scrutiny Committees can be accessed via the website at www.wokingham.gov.uk/meetings

Agendas for scheduled Overview and Scrutiny and Task and Finish Group meetings where they are held in public, will be available five clear working days prior to the meeting. However, if an extra-ordinary meeting was called the notice period may be shorter, (i.e. if a Committee meeting was called for a 'call-in'). Minutes of meetings are usually available via the Council's website seven working days after a meeting.

Full details of the terms of reference of the Overview and Scrutiny Management Committee and the Overview and Scrutiny Committees are set out in Section 6 of the Council's Constitution which can be accessed via the website at <http://www.wokingham.gov.uk/council/decisions/constitution/> or by contacting Democratic Services.

The Centre for Public Scrutiny is a national charity which aims to promote public scrutiny, accountability, transparency and involvement for public benefit. Further information on local government overview and scrutiny can be found at www.cfps.org.uk

Please do feel free to contact the Democratic Services Team if you have any queries regarding the Overview and Scrutiny Process. We want to help!

Contact Information

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