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Date: 18 May 2010

Dear Member

SCRUTINY BOARD - FRIDAY, 21 MAY 2010

I am now able to enclose, for consideration at next Friday, 21 May 2010 meeting of the Scrutiny Board, the following reports that were unavailable when the agenda was printed.

Agenda No Item

4. **Overview and Scrutiny - The Constructive Critical Friend (to follow) (Pages 1 - 20)**

Yours sincerely

A handwritten signature in black ink, appearing to read 'Peter Sass', written in a cursive style.

Peter Sass
Head of Democratic Services & Local Leadership

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By: Alex King – Deputy Leader
Paul Wickenden – Overview, Scrutiny and Localism Manager

To: Scrutiny Board – 21 May 2010

Subject: Overview and Scrutiny – The Constructive Critical Friend

Summary: To discuss the opportunities for the development of the Overview and Scrutiny Function.

1. Introduction

- (1) The new structure for Overview and Scrutiny approved by the County Council in October (and consequential changes to the Constitution) has raised a whole range of fresh challenges as the new arrangements are implemented. The devil was always going to be in the detail!
- (2) The County Council is clear that to be effective the Overview and Scrutiny Function must add value in influencing policy and holding to account the decision makers in a constructive manner without adding any unnecessary steps in the decision making process. The non executive Members role is pivotal if “effective overview and scrutiny” is to lead to “better decision making”

2. Context

- (1) High on the political agenda and one of the priorities is “citizen engagement and empowerment”. The shape of Public Services, how they are commissioned and delivered will be fundamentally different and will require different governance arrangements to support locally elected representatives to reach even the very smallest communities and help them to develop their sense of identity and place.
- (2) The process of transformational change so the County Council is fit for purpose to respond to the economic and service demands which lie ahead is already underway.
- (3) This paper is inextricably linked to a range of core strands of work which are fundamental to the role of the elected Member:-
 - a. Acquiring the Member Development Charter
 - b. Implementing the recommendations of the Member Information Informal Member Group
 - c. The duty to involve, inform and consult
 - d. The duty to promote democracy
- (4) Transformational change will not be achieved without transforming the County Council’s Governance arrangements. The structure must provide the most cost-effective way forward for an ‘excellent’ authority.

- (5) This paper is a discussion document (which will be work in progress for the Scrutiny Board) in developing the overview and scrutiny function and the role of the elected Member to ensure that it meets the emerging changes to sweep across the public sector following the worldwide recession.
- (6) This paper sets out the strands of work already being undertaken within the Overview and Scrutiny function which it will be for this Board to oversee or contribute to as part of this transformational change regardless of structure.
- (7) The future evolution of the governance arrangements must not increase the burden of bureaucracy when the resource is required on the front line providing services to our customers.

3. Changing the Culture

- (1) Transformational change will require a change of culture of both Officers and elected Members. The resource challenges that we face over the next three to five years cannot be overcome without significant cultural evolution in the way we work.

4. Overview and Scrutiny – Transformational Change

Forward Plan of Key Decisions

- (1) Attached at Appendix 1 is a suggested new format for the Forward Plan of Key Decisions. This is in response to the County Council's decision to include more information in the Forward Plan of Key Decisions to make it more meaningful for elected Members and Kent residents. To date the Forward Plan of Key Decisions has covered the Statutory Four months but this has now been extended to cover a six month period
- (2) The new format also reflects the statutory powers of the "duty to involve", inform and consult.
- (3) Cabinet Members and Chief Officers have seen the new template and are happy with it. They have also recognised that there is no point consulting unless there is a response to the consultation views expressed, but care needs to be given in advance to when consultation is a necessity and when it is not.

Select Committees

- (4) The Select Committees are recognised as one of the successes of the Overview and Scrutiny Function. The Committees of non-executive Members are rewarding for those who have taken part and there is documented evidence of them influencing national and local policy. This is the Overview and Scrutiny Function's "Jewel in the Crown"
- (5) One of the issues which the Scrutiny Board might wish to consider and prepare a paper for consideration by the Cabinet and Chief Officer Group and ultimately the County Council is how to build capacity to conduct more reviews without

increasing the burden on Directorates. Colleagues will be aware that these Select Committees are supported by a Research Officer and Democratic Services Officer line managed by the Overview, Scrutiny and Localism Manager.

- (6) There are a number of initiatives which the Scrutiny Board has commissioned to build capacity for this area of work, First the County Council agreed to introduce a Rapporteur Scheme so that an elected Member or Group of Members can research an issue (with limited support from Officers) and prepare a report. Attached as Appendix 2 to this report is the first draft of a discussion paper which has been the subject of an initial discussion with Cabinet Members and the Chief Officer Group The best example of this to date was the small group which looked at the reconfiguration of Women's and Children's Services for the Maidstone and Tunbridge Wells NHS Trust, which took evidence from a wide range of people, prepared their own written report which they submitted to the Health Overview and Scrutiny Committee. Members of the Regeneration and Economic Development POSC and Learning and Development POSC have also experimented with greater ownership to Members to report back on specific issues. The Board's views and direction on the development of a rapporteur framework is sought before taking a further paper to a meeting of the Cabinet Members and Chief Officers.
- (7) The County Council meeting will receive a report in July updating the Council on the implementation of the recommendations arising from the Select Committees conducted since the County Council was elected in 2005. Within the Constitution there is a monitoring process for the implementation of Select Committee recommendations. The Scrutiny Board may wish to consider whether the monitoring process is fit for purpose or needs amendment.

The Overview and Scrutiny Function Relationship with the Press and Media

- (8) The Chairman of this Board, the Deputy Leader Alex King, a number of the Policy Overview Scrutiny Committee Chairmen, Marcus Chrysostomou from the Media and Communications Centre, Dick Fedorcio (former KCC Corporate Affairs Director, now Head of Public Affairs Metropolitan Police and Kent Ambassador) and the Overview, Scrutiny and Localism Manager recently met to look at ways that the media and press could support the Overview and scrutiny process – so as a process it has impact and adds value. A range of initiatives are being pursued for reporting back to this Board:-
 - a. a protocol for overview and scrutiny engagement with the press and media;
 - b. connected to the recommendations of the Accessing Democracy Select Committee report running a 100 day campaign on a specific issue supported by a number of specific targeted "Question Time" events across the County;
 - c. A meeting with the County's leading press and media

Database of Experts/Advisors

- (9) The Overview and Scrutiny Team is preparing a database of experts/advisors in their field on which the Policy Overview Scrutiny Committees will be able to call to support specific pieces of work. The Scrutiny Boards suggestions as to who should be included in this database would be welcomed.

Partnership working in Overview and Scrutiny Functions

- (10) The Overview Scrutiny and Localism Manager working with colleagues in the Kent and Medway Overview and Scrutiny Officers Network have started work on how, working collectively together in partnership (developing complementary work programmes), looking at the opportunities to pool our resources as a Function we can more effectively add value to the decision making process. This work is pivotal to the development of the Member role scrutinising the public and private sector activity within their locality.

- (11) An exchange programme is also being developed with the staff and Members of the Parliamentary Select Committees.

Community Engagement – Potential to Ask “Live Questions”

- (12) A request has been received from the Cabinet Scrutiny Committee to pilot a facility of e mailing in questions/texts from the public. Questions need to be moderated so work is being undertaken to see how this can best be achieved. Attached as Appendix 3 is a summary of the work completed to date which needs to be discussed with Cabinet Members and Chief Officer Group. This is one of a range of strands of work which the County Council will need to take into account as it develops the governance arrangements to respond to the transformational change. This is not one of the strands of work which is currently a priority.

Overview and Scrutiny Reports

- (13) Attached at Appendix 4 are a number of examples of covering reports for issues recently considered by the Health Overview and Scrutiny Committee. This seeks to encourage elected Members to ask what the outcome of the piece of scrutiny is, how will it add value, and starts from the stance of what would the “man and woman in the street” want to be asking. This is an initiative which warrants the attention of all the Policy Overview Scrutiny Committees as it helps the Committee focus on the outcome and structure the debate.

Agenda Setting Process

- (14) This process is key. This is the opportunity for the Chairman and spokesmen of the Policy Overview and Scrutiny Committee (POSC) to meet with the Cabinet Member(s) Deputy Cabinet Member(s) the Managing Director and their staff to meet and discuss issues and share information which will assist the Chairman and spokesmen of the POSC in focussing the agenda. There is an onus on Cabinet Members and Managing Directors to set out the challenges they face and to seek the support of the non executive Members to do pieces

of work or suggest that they do pieces of work to support the decision making process. There is recognition from Cabinet Members that the expertise and talent of non executive Members is not being used as effectively as it should.

Petition Scheme and E Petitions

- (15) Recent legislation requires each local authority to have a Petitions Scheme and by the end of the year a scheme for dealing with e petitions. These schemes will impact on the Overview and Scrutiny function and can require in certain instances an officer to attend and answer questions of the relevant Overview and Scrutiny Committee. If a petitioner is unsatisfied with the way that the petition has been dealt with then the proposal is that the Scrutiny Board would be the appropriate body to deal with the matter.
- (16) The proposed scheme is being prepared for consideration by the Selection and Member Services Committee who will make a recommendation to the County Council.

Member Information

- (17) At the most recent agenda setting meeting for the Corporate Policy Overview and Scrutiny Committee Chairman and spokesmen agreed that a progress report on the implementation of the recommendations of the IMG: Member Information endorsed by the County Council in December 2008 should be submitted the July meeting of the Corporate Policy Overview Scrutiny Committee.
- (18) Given the importance of this strand of work in the future operation of the County Council, building capacity, the role of the elected member etc the Board may wish to consider whether it is more appropriate for this report to be considered at this Board.

5. Recommendation

The Scrutiny Board are asked to provide the Overview, Scrutiny and Localism Manager with guidance to take the initiatives set out in the report forward.



This Edition of the Forward Plan Supersedes ALL Previous Editions

Leader of the County Council - Paul Carter
Published by Democratic Services

This Forward Plan lists key decisions which Kent County Council is likely to take over the next six months. It gives information on the projects that will be coming forward and who will be involved with them. The Plan also contains reference to some other matters which of themselves are not 'Key' decisions but which are nonetheless significant in terms of their outcomes.

Please use the contact details given to let us know your views.

FORWARD PLAN OF KEY DECISIONS

Each month the Council publishes a forward plan of key decisions expected to be taken during the following six months.

A “key decision” means an executive decision which is likely to:-

- (a) result in the Local Authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authorities budget for the service or function to which the decision relates;**
- (b) be significant in terms of its effects on communities living or working in an area comprising two or more electoral divisions in the area of the local authority.**

Preparation of the Forward Plan helps the Council to programme its work and ensures compliance with the Local Government Act 2000. Every month, the period covered by the Plan will be rolled forward by one month and the plan will be republished.

The Plan outlines the consultation that is proposed in respect of future decisions and who members of the public and the Council should contact to make comments on any particular item. Anyone is entitled to obtain copies of the documents that will be relied upon when a decision is taken, unless those documents are ‘Exempt’ within the meaning of the relevant sections of the Local Government Act. (as amended)


Reports related to decisions will be published on the Council's web site at www.kent.gov.uk at least five days before the decision it is due to be taken. Once the decision has been taken, a copy of the Record of Decision will also be published on the Council's website. Paper copies will be made available by contacting Andrew Ballard – by telephone 01622 694297 or via andrew.ballard@kent.gov.uk

The Cabinet Members are:	
Mr Paul Carter	Leader of the Council
Mr Alex King	Deputy Leader of the Council and Cabinet Member for Localism & Partnerships
Mr John Simmonds	Cabinet Member for Finance
Mrs Sarah Hohler	Cabinet Member for Children, Families and Education
Mr Nick Chard	Cabinet Member for Environment, Highways and Waste
Mr Alan Marsh	Cabinet Member for Public Health & Innovation
Mr Kevin Lynes	Cabinet Member for Regeneration and Supporting Independence
Mr Mike Hill	Cabinet Member for Community Services
Mr Graham Gibbens	Cabinet Member for Adult Social Services
Mr Roger Gough	Cabinet Member for Corporate Support Services & Performance Management

All Members can be contacted by writing to Kent County Council, Sessions House, County Hall, Maidstone, Kent, ME14 1XQ

Unlock the decisions taken by the County Council which affect your life as a Kent resident and HAVE YOUR SAY



Month	Ref	Key/Non Key Decision	Decision Maker	Subject Matter
	10/01467	Yes 	Cabinet	Proposal to close the xxxxxxxxxxxx and xxxxxxxxxxxxxx Primary School and replace it with an amalgamated primary provision with new facilities within the locality

SAMPLE

<p>Responsible Cabinet Member - Cabinet</p> <p>Reference No: 10/01467</p> <p>Key Yes</p>
<p>Section 1 – the decision needed, how it relates to the Council’s Corporate Outcomes and the Costs and risks involved.</p>
<p>Title: Proposal to close the xxxxxxxxxx and xxxxxxxxxxxx Primary School and replace it with an amalgamated primary provision with new facilities within the locality</p> <p>The Decision needed: The Cabinet Member for Children, Families & Education will be asked to agree to the closure and amalgamation and to the publication of the necessary statutory Public Notices</p>
<p>Section 2 – Who is taking the final decision and when</p>
<p>Who is taking the Decision Cabinet Portfolio Holder for Children, Families and Education</p> <p>Date: Between June 2010 and July 2010</p> <p>Reason if Key Decision This decision will see a major improvement to the delivery of primary education for children in this area of Ashford through the provision of new school buildings and facilities.</p> <p>Reason if this decision has been delayed/withdrawn from a previous plan N/a</p>
<p>Section 3 – Are we informing, consulting or involving (Duty to Involve)</p>
<p>Are we informing, consulting or involving (Duty to Involve)</p> <p>Informing Only Who and when?</p> <p>Consulting</p> <p>Who is it necessary to consult? Circulation list to include: MP, Local Member(s), Local Councils, Parents, Staff, Pupils, Professional Associations and Diocesan Boards of Education.</p>

Has the matter already been discussed by a Policy, Overview and Scrutiny Committee?

Yes this went to Children, Families & Education – Learning and Development POSC on the 04.04.2010.

Is the matter referred to in your Business Plan or Medium Term Capital Programme?

Yes

Closing date for consultation/receiving comments:

8 January 2010

Section 4 – Responsible Officer – Who to contact for more information.

Your name, Your Service, Your phone number and email address:

xxxxxxxxxx

Area Children's Service Officer

Tele

Email xxxxxxxxxxxxxxxxx

Support documents

None

SAMPLE

FRAMEWORK OF A RAPPORTEUR SCHEME

- 1) A request by an individual Member or Group of Members to undertake a piece of work as a “rapporteur” will in the first instance be submitted to the Leader of the Political Group and the Overview , Scrutiny and Localism Manager.
- 2) The Overview Scrutiny and Localism Team will provide the Member with an “Assessment Form” (draft attached) of a Topic for Investigation for a Rapporteur. The Assessment Form ensures that there is a discussion with the relevant Cabinet Member(s) and the Managing Director to ensure that if the Assessment goes forward to the Scrutiny Board.
- 3) The onus will be on Cabinet Member(s) to ensure that the proposed Topic or area of investigation for a rapporteur complements/and does not duplicate any activity being taken or planned – and would if it is supported by the Scrutiny Board add value to the County Council
- 4) Completed Assessment forms will be submitted to the Scrutiny Board who will determine whether or not the request can be supported.
- 5) When a report has been prepared by the rapporteur the Overview Scrutiny and Localism Manager will arrange for a private discussion with the relevant Cabinet Member, Managing Director and Chairman of the Policy Overview Scrutiny Committee before the report is published.

(NOTE: Role of the Elected Member(s) as a Rapporteur

- (a) A rapporteur can only expect to receive limited support from officers (identified by the rapporteur in consultation with the Overview, Scrutiny and Localism Manager) at the outset of the investigation for advice at the end of the process (if required) when a report is being prepared.*
- (b) The onus WILL ALWAYS be on the rapporteur for undertaking their own research or using the expertise and skills of the Information Point.)*

ASSESSMENT OF A TOPIC FOR INVESTIGATION BY A RAPPORTEUR

For submission to the Scrutiny Board to ensure that there is no duplication and that no one Committee has a disproportionate number of rapporteurs

* - sections to be filled in by the rapporteur

***Subject of Proposed Investigation:-**

***Reason for the Investigation:-**
(see Note 1 below)

***Issues to be covered by the Terms of Reference for the Investigation:-**

***Scope of the Investigation (including indicative time frame):-**

***Purpose and Objectives of the Investigation:-**

Proposer of the Investigation - (Please print name and sign)

(Dated)

.....

.....

To be completed by the Directorate/Cabinet Member(s)

Are there any reasons why this investigation should not be put forward for inclusion in the rapporteur programme for 20010/11? (see Note 2 below)

How will the investigation contribute to corporate objectives and priorities?

Does the investigation need to be completed within a specific timeframe? If yes, please give details:-

How will this investigation have an impact on KCC policy development and/or help to influence national policy?

How will this investigation add value to the County Council and residents of Kent?

Any additional comments from the Portfolio Holder/Strategic Director:-

Portfolio Holder's Signature:-

Strategic Director's Signature:-

Date:-

Notes

Note 1 - Possible reasons for the investigation

1. Key public issue, identified by
 - Focus groups/citizens panels
 - Member contact with constituents/member surgeries
 - Contact with key representative bodies/forums
 - Media coverage – Public interest issue covered in local media
2. Issue highlighted via POSC activities or previous reviews
3. Issue recommended to POSC by another body e.g. another POSC, Cabinet Scrutiny, Directorate, Cabinet or an external body.
4. Poor performing service i.e.:-
 - High level of complaints/dissatisfaction with service
 - Performance standards poor/below target – (evidence from PIs or benchmarking)
 - Identified through external review/inspection (OFSTED/Audit/ CPA etc)
 - Budgetary overspends
5. Key reports or new evidence published
6. County Council priority
7. Central Government priority/New Government guidance or legislation published

Note 2 - Possible reasons why an investigation should not be carried out by a rapporteur

1. Issue being examined by
 - Cabinet
 - Cabinet Scrutiny
 - Officer Group
 - Policy Overview & Scrutiny Committee
 - Health Overview & Scrutiny Committee
 - Crime & Disorder Scrutiny Committee
 - another internal body
 - an external body
2. It has been the subject of a topic of review by other Councils from which details of best practice can be obtained.
3. New legislation or guidance expected.
4. **NB:** Before suggesting that an investigation should not be included in the work programme the following should be considered:-

Could consideration of this issue 'add value' without causing unnecessary duplication, for instance by:

- i) Looking at this issue in conjunction with another group,
- ii) Through appropriate timing of the topic review,
- iii) Through considering another group's findings rather than duplicating the same/or similar activity.

Opportunity for the Community to E mail/Text in Questions to a Scrutiny Committee

1. The current webcast facility has an online feedback form. This facility could be amended to enable a viewer to e mail in a question to an e mail address where the webcast meeting is in progress.
2. To have the facility whereby SMS (Text messages) can be sent in is also straightforward.
3. Questions would have to be moderated to ensure that any offensive/libellous/racist content is discarded. There would be an onus on the person at the meeting putting information from a third party in the public domain that it is suitable to do so.
4. The Committee would want to ensure as far as is practicable on the responses received that there is an equitable and balanced input from the publics questions to the debate
5. It would not be practical to do this in “real time”. There would need to be a delay for comments/questions to be moderated.
6. There would be no way of knowing how many people would use the facility. Therefore to be fair, equitable and to ensure that those using the facility whose comment/question has not been used in the debate that their comment is valued the Chairman of the meeting would need to clearly set out for viewers the framework and timescale for submitting questions.
7. Some options for consideration:-
 - (a) When papers are published to invite the public to submit a question by Noon the day before the meeting.
 - (b) To set aside on the agenda a specific item on the agenda for consideration of questions received. This is not ideal for a Scrutiny Committee where there are many issues/and a range of attendees who will have already attended the meeting for their specific item.

(Note: Bristol City Council have piloted at one meeting of one of their Scrutiny Commissions a piece of software “Going Live”. This provides the viewer of a live webcast broadcast to take part in a discussion forum as the meeting is progressing. Questions from viewers can expect to receive a response as the meeting progresses)

By: Paul Wickenden, Overview, Scrutiny and Localism Manager

To: Health Overview and Scrutiny Committee – 26 March 2010

Subject: Item 4. Intended Outcomes: Dentistry.

1. Background

- (1) In previous discussions that the Committee has had about different ways to restructure and refocus the Health Overview and Scrutiny Committee, one of the recurring themes has been that the Committee's meetings should be more focused on the outcomes it would like to achieve. Another has been the need to make the work of the Committee more accessible to members of the public.
- (2) This paper is intended to be a way to progress towards achieving these twin aims. Two sets of questions are set out below, both of which the meeting will look to having answered by the end of the meeting: one for members of the public and the other for the Scrutiny Committee.

2. Outcomes for the Dentistry Agenda Item

- (1) Public Question
 - a) How can I access NHS dentistry and be certain I will receive quality treatment?
- (2) Scrutiny Questions
 - a) Are the Primary Care Trusts commissioning sufficient dental provision to meet the needs of their resident populations?
 - b) Is the care being provided of an appropriate quality?
 - c) What can be done to improve dental service provision in Kent?

3. Recommendations

- (1) The Committee is asked to assess whether the outcomes in section 2 above have been achieved or if further information on this topic is required by the Committee.

By: Paul Wickenden, Overview, Scrutiny and Localism Manager

To: Health Overview and Scrutiny Committee – 5 February 2010

Subject: Item 5. Intended Outcomes: Emergency Care Pathways.

1. Background

- (1) In previous discussions that the Committee has had about different ways to restructure and refocus the Health Overview and Scrutiny Committee, one of the recurring themes has been that the Committee's meetings should be more focused on the outcomes it would like to achieve. Another has been the need to make the work of the Committee more accessible to members of the public.
- (2) This paper is intended to be a way to progress towards achieving these twin aims. Two sets of questions are set out below, both of which the meeting will look to having answered by the end of the meeting: one for members of the public and the other for the Scrutiny Committee.

2. Outcomes for the Emergency Care Pathways Agenda Item

- (1). Public Question
 - a) If I suffer from a stroke, or a heart attack, or am involved in a serious accident, how will I be treated and where will I be taken?
- (2). Scrutiny Questions
 - a) The 2008 document Healthier People, Excellent Care, by the South East Coast Strategic Health Authority made the following recommendation: "By 2010 all appropriate heart attack, stroke patients and major trauma patients will receive their care from 24/7 specialist units." What progress has been made in achieving this?
 - b) Specifically, how successfully is this aim being achieved in Kent?
 - c) How is the nature and location of cardiac, stroke and major trauma services changing for the people of Kent?

3. Recommendations

- (1) The Committee is asked to assess whether the outcomes in section 2 above have been achieved or if further information on this topic is required by the Committee.

By: Paul Wickenden, Overview, Scrutiny and Localism Manager

To: Health Overview and Scrutiny Committee – 5 February 2010

Subject: Item 4. Intended Outcomes: Dover Healthcare.

1. Background

- (1) In previous discussions that the Committee has had about different ways to restructure and refocus the Health Overview and Scrutiny Committee, one of the recurring themes has been that the Committee's meetings should be more focused on the outcomes it would like to achieve. Another has been the need to make the work of the Committee more accessible to members of the public.
- (2) This paper is intended to be a way to progress towards achieving these twin aims. Two sets of questions are set out below, both of which the meeting will look to having answered by the end of the meeting: one for members of the public and the other for the Scrutiny Committee.

2. Outcomes for the Dover Healthcare Agenda Item

- (1) Public Question
 - a) What is happening about a new hospital in Dover?
- (2) Scrutiny Questions
 - a) Can the Committee have an update on what progress has been made in moving forward with an affordable and rapidly deliverable option for a healthcare facility in Dover?
 - b) What is the future timeline for this project?
 - c) What are the outstanding issues that require further work?

3. Recommendations

The Committee is asked to assess whether the outcomes in section 2 above have been achieved or if further information on this topic is required by the Committee.

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