

OVERVIEW

&

SCRUTINY

COMBINED

ANNUAL

REPORTS

2007-2011

Contents

	Page
▪ Introduction	4
▪ What is Overview and Scrutiny?	5
▪ Panel structure and responsibilities	6
▪ Panel remits	7
▪ New legislative requirements	8
▪ Public Involvement	9
▪ Reviews and Investigations	
○ Community Empowerment	12
○ Post Office Closure	14
○ Transport to Secondary Schools	15
○ Access to Dental Services	16
○ Council Connect	18
○ Youth Homelessness	20
○ Home Care Review	21
○ School Uniform	23
○ Road Safety	24
○ Buildings for a better future	24
○ Primary School reviews	24
▪ Review and Investigation processes	25
▪ Call-in	26
▪ Working together with....	
○ Partners in B&NES	28
○ Local Councils	28
○ West of England Partnership	29
○ Regional Councils	29
▪ Other Panel activities	30
▪ Budget Scrutiny	
▪ The Future for Overview and Scrutiny	32
▪ Working with the Overview and Scrutiny Panels	34

Introduction

We would like to introduce you to “OSCAR” – a new initiative to give you a summary of the activities of the Overview and Scrutiny Panels during the past four years.

As Chairs of the five Overview and Scrutiny Panels, we’ve had a varied and fascinating four years, involved in many issues from Post Offices to school uniforms, the Council Connect service and community involvement in decision making (“empowerment”), and the delivery of the home care service.

You’ll find many examples of Councillor-led work here - Panel meeting topics; reviews and investigations; working with other Councillors and members of the public; acting as a “watchdog” for Cabinet member decisions and actions; and working with and scrutinising the actions of many organisations (such as health and community safety) across Bath and North East Somerset and regionally.

At the end of this time, one thing we’d like to do is thank everyone who has been involved in working with the Panels. Some of the ways and people involved are mentioned later in OSCAR – but to re-iterate, a big “thank you” to you all.

Throughout the past four years, the role of Overview and Scrutiny has changed, and Panels have had increases in their duties (as directed by Government). More changes are on the horizon (as set out towards the end of this report), and we are confident that the future of Overview and Scrutiny in Bath and North East Somerset will be as, if not more so, engaging and interesting for Councillors and everyone else who becomes involved in it.

From:

Councillors (Left-Right) Caroline Roberts, Martin Veal, David Dixon, Sally Davis and Adrian Inker.



What is Overview and Scrutiny?

Overview & Scrutiny (O&S) Panels are made up of Councillors and some co-optees as a type of council “watchdog”, to review and scrutinise both the Council and other organisations’ work and service delivery. They examine issues that impact on the local community, and have specific duties for health and community safety. Their aims include:

- To hold the Cabinet and officers to account
- To ensure that Council services provide good value
- To review and investigate issues that impact on the lives of Bath and North East Somerset residents
- To promote issues which are of relevance to local people and actively engage them in the scrutiny process

What type of work do Overview and Scrutiny Panels carry out?

A work plan is agreed for the year ahead, with each panel focusing on areas of service delivery (sometimes joint panels can be set up to carry out work). When choosing issues to investigate, panels look for subjects where their recommendations could make tangible improvements for the local community. Panels can also ask other public bodies to account for their actions.

What doesn't Overview and Scrutiny do?

- Make decisions about Council policies and services. Panels can only make recommendations to the Cabinet or Council;
- Deal with individual queries or complaints. These should be pursued through Council Connect, or the Suggestion and Complaint service;
- The panels can not investigate regulatory or ‘quasi-judicial’ decisions, such as planning or licensing decisions.

How can members of the public be involved?

- Attending public meetings of Overview and Scrutiny panels
- Suggesting a topic for a scrutiny review
- Giving evidence to a panel
- Sending in comments about any of the reviews being undertaken to **scrutiny@bathnes.gov.uk**

What are Overview and Scrutiny meetings like?

Panels meet regularly, daytime and evenings, usually for about 2-3 hours. The agenda and reports for a meeting are published about a week before and are available at **www.bathnes.gov.uk** (in the “Council and Democracy” section) also at the Council’s public information points.

Meetings have a formal structure, but are run in an informal, accessible way with free and open discussion.

Panel structure and responsibilities

After the Council elections in May 2007, at its first meeting, the Council decided to set out a new structure for the Overview and Scrutiny Panels.

It was decided that, in advance of new legislative requirements¹, that the Overview and Scrutiny Panels should reflect the four themes of the Local Area Agreement (LAA).

The LAA was a joint plan to make far-reaching changes across the Bath and North East Somerset area. The Local Strategic Partnership (including the Council and partner organisations from public, private and voluntary sectors) is responsible for the delivery of the changes set out in the LAA.

The new Overview and Scrutiny Panels were structured to reflect the four main themes of the LAA, plus an additional Panel was set up to monitor the Council's own corporate procedures, performance, and resources.

The Panels

- Children and Young People (CYP)
- Enterprise and Economic Development (EED)
- Healthier Communities and Older People (HCOP)
- Safer and Stronger Communities (SSC)
- Corporate Performance and Resources (CPR)

This approach allowed the Panels to clearly monitor the performance of the Council and its partners against the targets set out in the LAA. More information about the duties and responsibilities of the Panels is set out opposite

¹ More details on this change are available in the section "New Legislative Requirements"

O&S Panel remits

Safer and Stronger Communities Overview & Scrutiny Panel –

Work with Police and Fire authorities (reducing crime, fear of crime, tackling drug abuse, increase domestic fire safety, etc); involvement in Housing Strategy and affordable housing (in particular increase housing choices through spatial planning); overview & scrutiny of Customer Services (inc Libraries) and of Environmental Services; to improve the quality of life of the communities (older people and of children, young people and families) at risk, and narrow the gap between the worst performing wards / neighbourhoods and other areas across the district.

Healthier Communities & Older People Overview & Scrutiny Panel –

Health Scrutiny; to improve health and reduce health inequalities; health and personal care (individual budgets, residential care etc); housing choices for vulnerable people; overview and scrutiny of child health services; main drive in scrutiny of integration with NHS and involvement in work of the NHS, RUH, Mental Health Partnership and other health bodies including the Local Involvement Network for Bath and North East Somerset.

Children and Young People Overview & Scrutiny Panel –

Safeguarding of children; primary, secondary and further education (improving the environment for learning and improving the life chances for disadvantaged teenagers, through improvements to their education, training and support) and creating opportunities for young people.

Enterprise and Economic Development Overview & Scrutiny Panel –

Planning and transport (improving the Quality of Public Transport, Roads and Pavements and Easing Congestion); overview and scrutiny of Development and Regeneration and Major Projects; improving the public realm ('liveability') for large scale projects; development of a sustainable economy for Bath and North East Somerset; improve the quality of life for all through cultural and sporting activities and champion the tourism, creative and leisure industries.

Corporate Performance and Resources Overview & Scrutiny Panel –

Corporate issues, overall improvement and performance for the whole Council; overseeing and championing the LAAs delivery (along with LSP Board through the work of the LAA Executive Board); lead Panel for Climate Change; overview and scrutiny of Council Connect and CO₂ reduction from council operations, Equal Opportunities Policy; council-wide financial overview & scrutiny.

The scrutiny of individual service budgets and performance lies with each relevant Panel.

New legislative requirements

A number of new responsibilities have been introduced into the role of Overview and Scrutiny during the past four years. These have included:

- **Community Safety:** The Police and Justice Act 2006 gave powers to scrutinise local crime and disorder matters. The Safer & Stronger Communities Panel is the designated panel to scrutinise the work of the Responsible Authorities Group²(RAG), to ensure that it is focused on the areas of most importance to the public. It monitors the performance, investigate key areas of work and makes recommendations for improvement where necessary.
- **The Councillor Call for Action (CCfA):** This mechanism was introduced as part of the Local Government and Public Involvement in Health (LGPIH) Act 2007. The CCfA gives Councillors the right to request an item of local concern is added to the agenda of an Overview and Scrutiny Panel meeting, if all other avenues to resolve the issue have failed. A simple request form is available for Councillors to use if they wish to request a CCfA, at (<http://www.bathnes.gov.uk/scrutiny>)
- **Duty to Co-operate³:** This was also introduced as part of the LGPIH Act, and placed a responsibility on certain named local partner organisations to work with the Council to develop Local Area Agreement (LAA) targets. The identified partners were then subject to scrutiny by the Overview and Scrutiny Panels, against how well they were achieving their LAA targets.
- **Petitions⁴:** As part of the Local Democracy, Economic Development and Construction Act (2010), councils are now required to have a dedicated petitions scheme both in traditional hardcopy form and an e-petitions system. Overview and Scrutiny Panels have two main roles in this process:
 - If a petition requests to call certain Council officers to account, an Overview and Scrutiny Panel would deal with that request.
 - If a petitioner is unhappy with a petition response they can ‘appeal’ to a relevant Overview and Scrutiny Panel to review the response at a public meeting.
- **Flood and Water Management Act (2010):** This act has been phased in since October 2010 and the majority of the Act will be implemented by April 2011, including the Overview and Scrutiny responsibility to oversee and scrutinise the Preliminary Flood Risk Assessment (PFRA), and to ensure that the plan is fit for purpose.

² “Community Safety” covers all local partnership activity on crime, safety, justice and disorder. In B&NES the Responsible Authorities Group (RAG) acts as the Local Strategic Partnership’s delivery arm for safer communities. It includes B&NES Council, Avon & Somerset Police, Avon Probation Service, B&nes PCT, Fire & Rescue, Somer Housing. See “Future for Overview and Scrutiny” for potential changes to this requirement.

³ See “Future for Overview and Scrutiny” for potential changes to this requirement

⁴ See “Future for Overview and Scrutiny” for potential changes to this requirement

Public Involvement

One of the main roles of the Overview and Scrutiny Panels is to provide an opportunity for members of the public to have their say, and to influence decision-making within the Council.

In the past four years, people have been involved in and contributed towards:

- scrutiny of Council-provided services;
- scrutiny of Cabinet Decisions (known as “call in”);
- over viewing the development of new policies and procedures to assist Cabinet and the Council
- scrutiny of the quality/performance of council contracts against required standards
- identification of reviews or investigations for the Panels to pursue
- collection of evidence and opinions about issues through a range of consultation methods and communications
- developing recommendations from Panel investigations for Cabinet member consideration and action
- making changes to national organisations’ plans for the B&NES area
- helping the Council to improve the services it provides, and how it involves local residents in its decisions.

People involved in these activities have included

- young people, local school students, staff, governors and parent groups;
- various local voluntary, campaign and community groups;
- parish and town councils;
- individual residents and resident groups;
- vulnerable people (eg: elderly, homeless);
- local businesses and their representative organisations;
- national organisations.

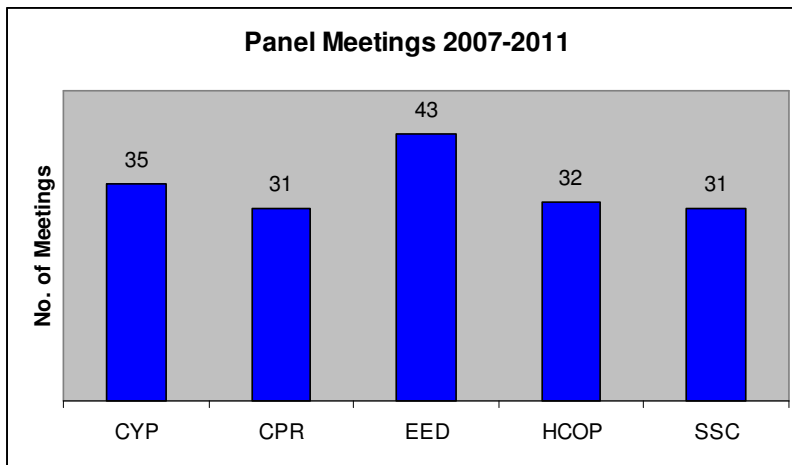
All the people involved have given their time, information, expertise, energy and commitment freely and enthusiastically.

They have often helped Panel members’ gain a rounded perspective of the matters being investigated, and added to the Panels’ knowledge, understanding, and recommendations on many issues.

All the Panels have found their interest and involvement useful and wish to thank everyone for taking part in their work.

Public speakers at Panel meetings

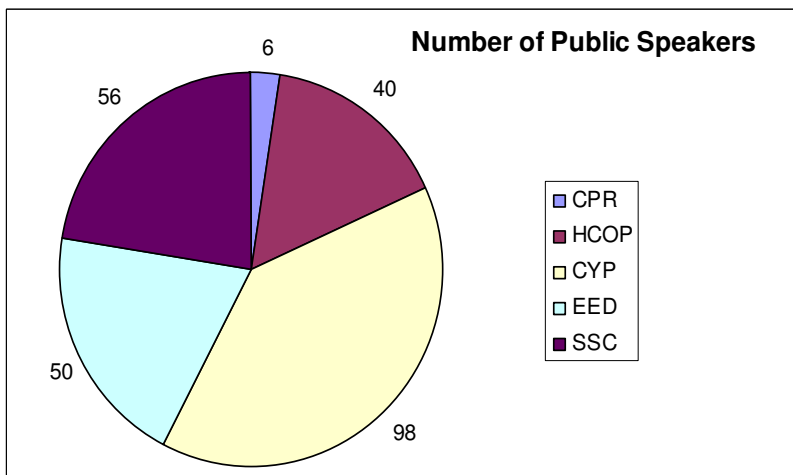
During the past four years, there have been a total of 192 public meetings.



All of these meetings have given Councillors the chance to hear from people through the public speaking scheme. This scheme offers people a dedicated time in meetings to talk directly to Councillors about issues that interest or concern them.

There have been 250 public statements across all five Overview and Scrutiny Panels over the past 4 years

All speakers at Panel meetings have had advice from the Democratic Service Officers (who provide the constitutional/legal advice and management support to meetings), so that they know what to expect about



- the working practices of the Chair and the Panel members
- when and how to present their comments/information,
- how the Councillors may respond,
- how to submit written information or petitions,
- what might result from their statements.

Public Involvement in Panel reviews and investigations

During the past four years there have been some excellent examples of how Councillors have worked with local people as they have carried out their review investigations. These are highlighted in the next section of this report.

The reviews/investigations are project managed and supported by dedicated Overview and Scrutiny Project Officers, and more details about the methods used are available at the end of the section.

Reviews and Investigations - public involvement, impacts and outcomes

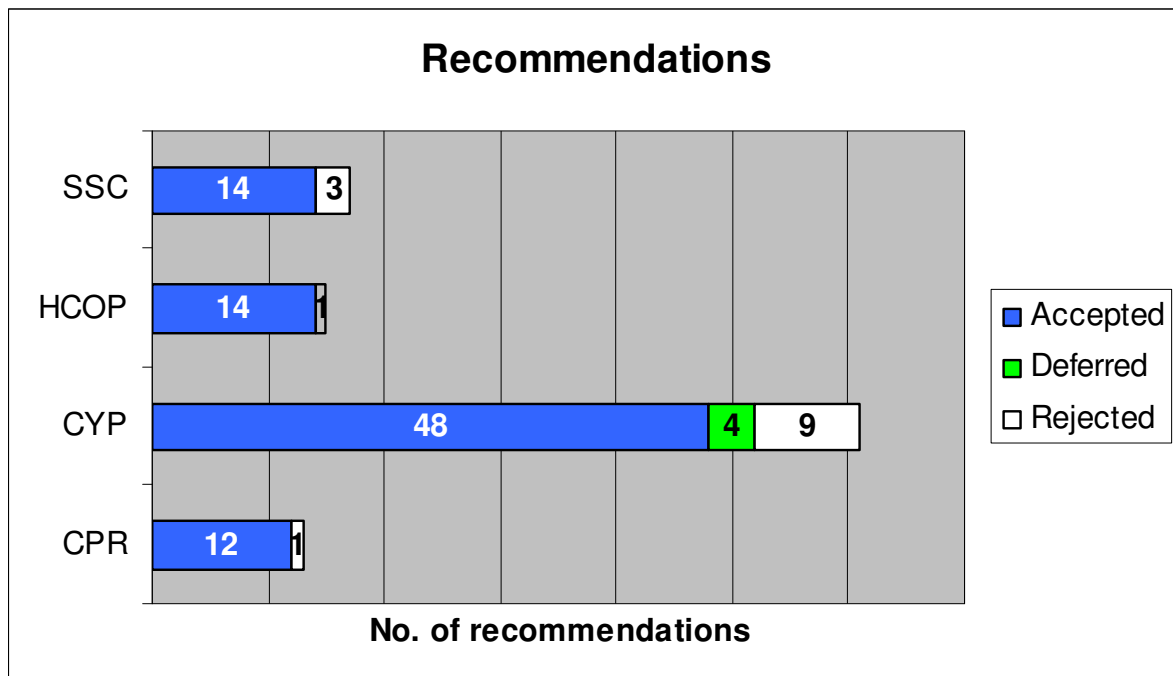
Over the past four years, Panels have conducted 12 reviews and investigations into a wide range of issues of local concern, including saving some local Post Offices threatened with closure, improving residents' access to dental services, and tackling youth homelessness.

All reviews/investigations result in a series of recommendations for changes that are given to the Cabinet Member(s), who will then respond to each one as either; accepted, deferred or rejected.

The Cabinet Member's response is then presented at a Panel meeting (usually within 6 – 8 weeks) so that they can be discussed with the relevant Cabinet Member. The Panel then decides when to request an update on the accepted or deferred actions, and adds it to their work plan.

Reviews have largely had a positive impact on the local community, and helped the Council to work towards its Corporate Priorities.

Since 2007, Cabinet Members have received a total of 106 recommendations, of which 88 have been accepted, 5 deferred and 3 rejected.



In addition, recommendations have also been made to BANES PCT and the Post Office

Community Empowerment Review (2008/09) Safer and Stronger Communities Panel

Purpose

The Community Empowerment review investigated how to develop and improve ways for local people to influence, and be involved in, Council and other decision making to achieve positive change in their local community. It looked at three areas:

- Understanding what the Council is currently doing
- Consulting with the local community to find out about the types, roles and relationships of community organisations and initiatives at that time
- Considering best practice initiatives and methods already developed by other Councils.

Public Involvement

A range of consultation methods were used to capture views, experiences and opinion, including:

- A survey, which was
 - distributed to all Bath and North East Somerset Parish and Town Councils and Councillors,
 - advertised to the local community to complete on-line.
- A public Contributor Session, to hear from a variety of speakers talking about what “community empowerment” meant to them.
- Two facilitated workshops, which focused on
 - Councillors, and their experiences of decision making
 - Local community groups and residents, and their experiences and understanding of taking part in decision making in their areas.
- A number of case studies setting out the experiences and knowledge of local community groups, asking questions about how they have been involved in and influenced local decision making.



All of this evidence fed into the final conclusions and recommendations for changes and actions that were made to Councillor Francine Haeberling, Leader of the Council, who accepted 11 out of the 14 recommendations put forward.



Impacts

Some of the positive developments from this review include:-

- The Council and its partners have made real progress in testing an integrated approach to community empowerment at a very local level. This work has been carried out through the charity Regenerate, working in three local areas to engage directly with local people and to address local concerns and needs from the ground level up (in Bath - Whiteway area and London Road and Snow Hill, and the Queens Road area of Keynsham).
- The Council E-Consult database, which records each consultation carried out by the Council and allows the public to make contact. There are now over 2000 registered users of this system.
- The Council's online induction system now includes a section on Community Engagement for all new Councillors and officers. Further work has also begun on the new Councillors induction package for the 2011 Council elections
- A pilot scheme called the Ward Councillors Initiative Scheme started in 2008/09. This was designed to offer easy access to grant funding, so that Councillors could respond to local needs. Each Councillor had a maximum allocation of £4,000 available to spend within their wards, which will make a difference to their local communities. To date, more than 60 individual investments have been made by Councillors into their local communities.
- The Council successfully attracted funding for a "Young Inspectors" project. This project will train young people to inspect and comment on Council services, strengthening the voice of young people in shaping local services and decisions

Post Offices Closure Investigation (2008) Enterprise and Economic Development Panel



Purpose

In 2008, Post Office Ltd announced plans to close ten Post Offices across Bath and North East Somerset. Residents were greatly concerned, and contacted the Panel to find out what could be done in response to these plans.

Public Involvement

The Panel held a public consultation exercise – they received information via an online questionnaire, and in response to letters to all Parish Councils, as well as holding a public meeting, which representatives of the Post Office attended.

Through the consultation conducted by the Panel it became apparent that the impact of a major new residential and business development in Bath at Western Riverside had not been taken into account by the Post Office. A verification check of the Post Office data also identified inconsistencies in their evidence being used to develop the proposals for closure.

As a result of this work, in a very short timescale, the Panel were able to identify a number of reasons to keep several local Post Offices open, which included:

- Reduced access to vital facilities in some areas for elderly or disabled residents, particularly in areas with steep hills
- The effect Post Office closures would have on local businesses who rely on them for business post
- The economic and social value of Post Offices for residents
- Increased carbon footprint that would result from the changes
- Increased rural deprivation in areas losing other facilities.

The Enterprise and Economic Development Panel then provided a response on behalf of the Council and the local community to the Post Office.

Impact

After receiving the Panel's response, the Post Office decided to keep two of the Post Offices originally planned for closure. One in Bear Flat (as the nearest alternative would be difficult for elderly or disabled residents to access) and the other in Lower Weston (as the planned Bath Western Riverside development in that area would bring a higher number of users).

The Post Office closures review has featured as an example of Best Practice in an IDeA¹ online circulation to all Councils nationally, and the Chairman of the Panel was invited to give a presentation about the review at a national training session in Westminster as an example of good scrutiny.

Transport to Secondary Schools (2008/09) Children and Young People Panel

Purpose

This review was carried out by the Children and Young People Panel, prompted by a group of local parents/carers who were concerned about the affordability, reliability and safety of transport available to secondary schools, particularly public buses (it did not include the services that the Council legally has to provide for certain groups of students).



Public Involvement

In this review, two different questionnaires were used to seek students' and parents/carers' views and experiences of transport to schools in Bath and North East Somerset, and what changes they would like to see.

The questionnaires were available online via the Council's consultation calendar and in paper copies which were distributed widely through local secondary schools, along with posters and other promotional materials that were sent to all secondary schools in Bath and North East Somerset.

*1007 responses were received
792 from students, and
215 from parents/carers*

This was an impressive return within the time available for responses (which included a half term break), and shows the high level of interest and involvement in this issue.

In addition, a dedicated "contributor session" was held, for parents/carers and students to highlight the issues they had with the current transport system.

Panel members also engaged extensively with the group of local parents/carers who requested the review, including inviting them to the review Steering Group meetings (a subset of the Panel members who directed the review).

These parents and carers were then able to hear presentations from school transport companies, and to help to formulate the Panel's final recommendations for changes and actions that were made to the Cabinet Member for Children Services.

The Panel will request an update on changes at a future date

Equality of Access to NHS Dental Services Phase 1- 2008; Phase 2- 2009 Healthier Communities and Older People Panel

Purpose

The Healthier Communities and Older People Panel learnt that residents in Bath and North East Somerset (particularly adults) were finding it difficult to access NHS dental services in the area.

A visit to a local Dental Access Centre also highlighted that patients with complex dental needs (sometimes due to not having been able to see an NHS dentist for some time) were finding it difficult to get a general dental practice to take them on. This in turn was putting pressure on the Dental Access Centres.

The review was carried out as NHS B&NES, who organise dental services for the area, were starting to put an extra £1 million into dental services across the area. Therefore, the Panel took an innovative split-phase approach, to explore what dental provision was like before and after the investment, and how future investment could best be targeted.

Public Involvement

Local patient and public representatives had already raised concerns about dentistry, reinforced by the LINKs' (Local Involvement Networks) 2009 survey. This found NHS Dentistry was the highest priority issue for local residents. The local MP, local media and Dental Access Centres had also previously given the issue their attention.

During the first phase, voluntary organisations supporting people most at risk of not using regular dental services were visited and/or interviewed, including:

- Julian House (who support homeless people),
- Bath & North East Somerset Racial Equality Council,
- Action for Pensioners,
- Bath & North East Somerset Disability Forum, and
- representatives from the local Student Union.

Members of the public were also invited to put forward their positive and negative experiences of local dental services, by a press release and dedicated webpage about the review.

During the second phase, the Panel worked with NHS B&NES to organise a survey that would find out what patients now thought of the dental service, after the extra investment. In addition, local schools, dentists, and some of the above voluntary organisations were contacted to find out their views and experiences.

Impacts

Since the review finished, there have been a number of positive changes. Some examples are:

- A new system to help patients move between Dental Access Centres and General Dental Practice.
- Agreement to improve information available to groups such as homeless people, students, BME groups and migrant workers who were struggling to find suitable information about dentists.
- Exploration of student hygienists and therapists going into schools to work with children, to help tackle “pockets” of poor oral health of children in the area, and promote better oral health in adults of the future.
- Confirmation that both Bath and Bristol hospitals have reinstated the dentist on-call rota for patients whose teeth need replacing in out of hours circumstances.



Other councils were interested in this two phase approach to a scrutiny review, particularly including the direct influence and then monitoring of the allocated PCT spend on the service.

As a result, the Panel Chair was invited to make a presentation about the review, its processes and outcomes, to the South West Member and Officer Scrutiny network.

Transformation Project (Council Connect) Review (2008/09): Corporate Performance and Resources Panel

Purpose

“Council Connect” is the name for the Council’s customer information service. It provides information about waste and recycling services, libraries, transport and roads and planning enquires, and annually responded to approximately 150,000 telephone calls and face to face meetings, and 15,000 e-mails, at this time.

This review aimed to

- find out the customer experience of people who used Council Connect,
- understand the (then) current demand for contacting the Council.

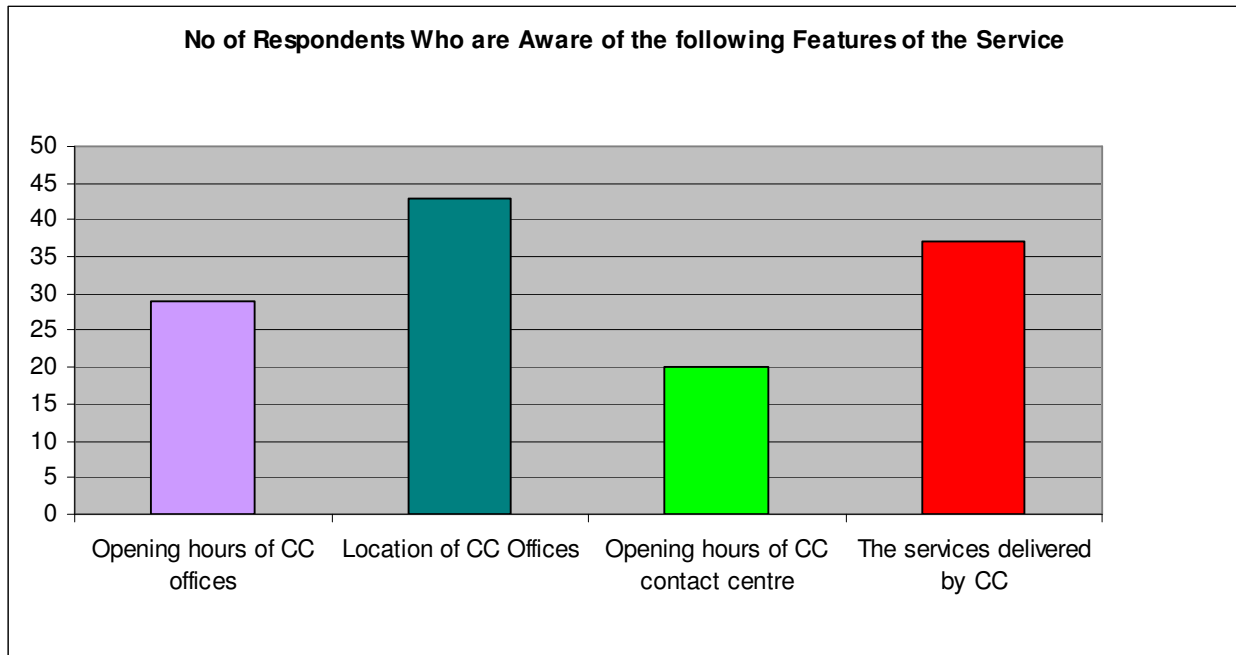
The results from this Panel review then fed into the Transformation Service Plan 08-09, to further improve customer service in the Council.

Public Involvement

To carry out this investigation, the Panel organised and carried out:

- Telephone surveys of people who had previously contacted Council Connect, to find out about their experience
- A random sample telephone survey of residents across Bath and North East Somerset, to find out how the Council could improve people’s use of Council Connect, and what else they thought it could do
- An online survey for local residents to provide their views about Council Connect (a press release was issued to encourage people to take part)
- A number of visits by Councillors to the Council Connect telephone and front desk locations at the Guildhall, The Hollies, and Keynsham Town Hall. Councillors participated and observed in how people make contact with Council Connect, and how queries and issues are managed to resolution. People were also encouraged to complete the survey.
- Two focus groups, one with people who used Council Connect, and one with Council Connect staff, to find out how they thought the service could be improved





The Random Sample survey technique was a new method to Overview and Scrutiny review methods. In addition to finding out the information required, it also produced unexpected “added value” information. Some of the residents we surveyed were not initially aware that they had contacted the Council as they weren’t familiar with the name ‘Council Connect’. This highlighted a need for wider publicity of the services that the Council provides and marketing the brand ‘Council Connect’.

Impacts

- Particular concerns about residents in rural areas have been tackled through a pilot scheme with other community groups
- The Council has worked with the Citizens Advice Bureau to produce case studies about debt advice as part of a joint recession advice scheme.
- Training for Council Connect Staff has been increased, to help develop a flexible and empowering culture for both staff and customers.
- The Council has made greater efforts to ensure that the Council Connect services logo and brand is displayed in more public places, and through more prominent marketing campaigns.

Youth Homelessness provision in the Norton-Radstock area (2008) Children and Young People Panel

Purpose

In March 2008 the Panel raised concerns about youth homelessness, which had not been tackled by a previous review of temporary accommodation conducted by the Housing and Community Safety Panel in 2007.

Three members of the Panel looked into this problem, and produced a report in July 2008 on youth homelessness in Midsomer Norton, Radstock and the surrounding rural areas.



Public Involvement

Interviews were held with housing officers, and local partner and voluntary organisations – including Norton Radstock College, Connexions West, and Off the Record.

In addition, one Councillor also collected eight case studies from young people who were homeless in the Norton-Radstock area, to provide information from direct experiences.

Impacts

Further research to consider young people's housing needs across the whole area was organised in 2009/10, funded by the Local Strategic Partnership. A brief for this work was drawn up by the Young People's Housing Group.

Developments from both the review and this research include:

- The Young People's Housing Group
 - considering the issues raised about the pattern of service provision, and possible adjustments to opening hours and venues to help young people access these services;
 - reviewing their transition arrangements for young people with housing needs at 18 (where responsibility moves from youth to adult based services)
- Developing a crisis 'crash pad' (for mediation and counselling) based at the supported lodgings scheme, with one unit being based in the Norton Radstock area.
- The Young Persons Accommodation Officer reviewing promotion of the Supported Lodgings Scheme in the Norton Radstock area.

Home Care Review (2009/10) Healthier Communities and Older People Panel

Purpose

Home Care Services are now provided in Bath and North East Somerset by 5 different agencies that make up the Strategic Care Partnership, after the Council outsourced the service in 2006.

This had concerned many people who thought the care they received might suffer as a result, therefore the Panel agreed to review whether the home care service

- was achieving the required standards and objectives,
- was ensuring the quality of care had not changed, and
- represented value for money.

The focus was on elements of the home care service that are very important to both service users and the agencies when reviewing the quality of home care

The review was carried out within the constraints of an already contracted service – it was essential to be clear that it was about assessing the quality and achievement of the service against the set requirements, and recommendations would not be able to add extra costs to the Council through suggesting changes to contracts already in place.

This was a useful experience of the value that Overview and Scrutiny can add to the monitoring of an already contracted service.

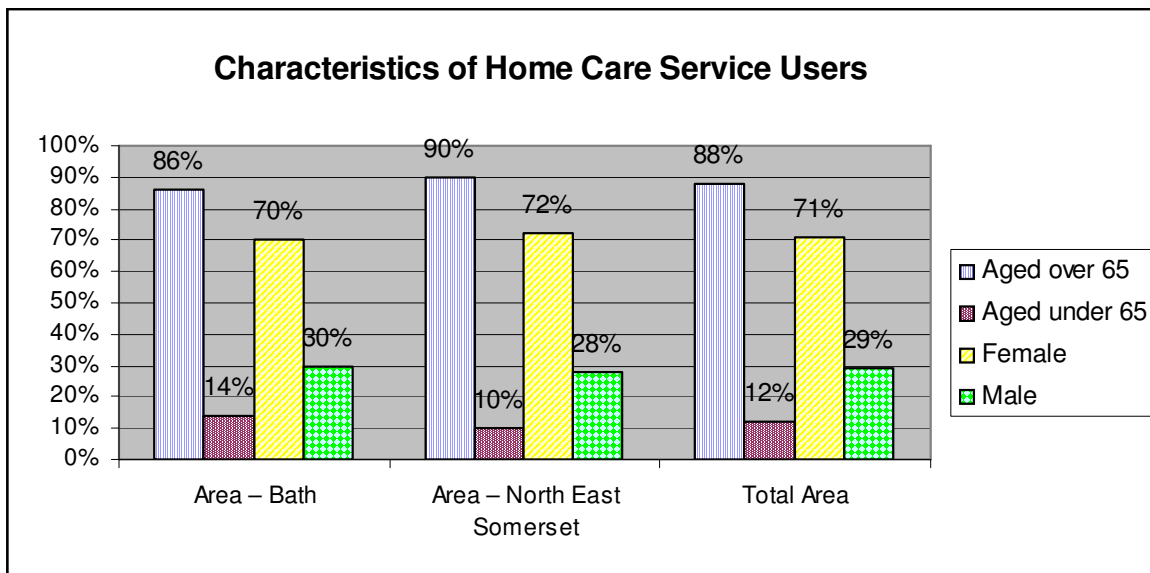
Public Involvement

Members of the steering group carried out several research and consultation exercises including:

- widespread marketing of the review,
- encouraging people to complete case study forms,
- making telephone calls and
- holding an informal session with the 5 agencies.

In order to involve the people who received the service in their homes, the local Ethics Committee was involved and consulted about the methods and questions to be used, in order to ensure appropriate approaches for communicating with vulnerable people in their own homes.





Impacts

The Panel made fifteen recommendations, fourteen of which were accepted and one was deferred for further investigation by the Cabinet member. Changes include:

- New information sharing processes, and a clear “actions arising” part in individual care plans were developed jointly by Community Mental Health Team and the Care Agencies, to improve communications about care needed and provided.
- When a client has mental health needs and does not have close contact with family members, a member of the Community Mental Health Team should be considered to act in place of the client, for feedback about the quality of their service.
- The Home Care provider agencies continuing to show commitment to the code of conduct and training, to make sure that carers are sensitive to the appropriate behaviour in ethnic minority homes and that this is respected, especially laws concerning personal hygiene, dietary requirements and purity.

The Panel has recommended that its successor should consider carrying out another review, 3 years after this one. At this point the Personalisation Agenda will have been fully integrated, and it is nearing the end of the 5 year Strategic Home Care Partnership contract. The Panel’s review should then help to inform future commissioning decisions.

School Uniform Review (2010/11) Children and Young People Panel

Purpose

In May 2009, the Council signed up to the End Child Poverty Campaign. Part of the work for this was to develop an Area Assessment of Family Poverty (a strategy for the Council and its partners to reduce poverty across the area).

To show the Bath and North East Somerset commitment to this campaign, the Panel wanted to review a specific area of child poverty that would support the work for the Area Assessment.

They decided to examine local school uniform policies and practices to find out whether strict uniform policies prevented parents/carers from sending their children to certain schools.

Public Involvement

The Panel surveyed all schools in Bath and North East Somerset to find about their individual school uniform policies, prices, and support to families.

Table shows the number of schools that provide information to parents/carers about uniform costs

School	Yes	No	No response
Secondary	8 (67%)	2 (17%)	2 (17%)
Primary	41 (82%)	8 (16%)	1 (2%)

The review steering group also worked closely with the Bath Citizens Advice Bureau who were working on a similar issue (which they reported in August 2009), in order to prevent duplication.

Impact

The Panel's key recommendation (accepted by the Cabinet Member for Children's Services) was to consult with schools to implement a 'School Uniform Charter'.

This would set out a range of agreements, including

- communicating uniform prices to parents,
- encouraging schools to have a second-hand uniform exchange or sale,
- appointing a school governor to champion pupil inclusion in the school.

A draft Charter was developed as part of the evidence to support this recommendation, which is being taken forward from January 2011.

Other reviews:

Road Safety (2008) Safer and Stronger Communities Panel

Members of the Safer and Stronger Communities Panel worked with officers from the Council's Highways and Transportation section to look into the local Road Safety Partnership in order to improve achievement of road safety targets.



Buildings for a Better Future (2008 -) Enterprise and Economic Development Panel

(dedicated to the memory of Cllr Richard Maybury, Steering Group member)

Purpose

To examine ways to meet national targets to cut the amount of carbon dioxide emissions that were created by building, living in and maintaining homes. The Panel identified these would be complex, due to the Bath's World Heritage status, and because of the local Area of Outstanding Natural Beauty (AONB).

Public Involvement

The Panel held a contributor session, that local residents, businesses and national experts attended to share ideas and experiences, and inform the Panel about the various options for energy saving and carbon reduction in building construction. Two focus group sessions were also held with the Council's Climate Change Advisory Group and Divisional Directors Group, discussing sustainable development opportunities and challenges in the next few years.

Outcome

After collecting a range of evidence, the Panel decided that, in view of the speed of change of this area of work, and the progress of officers in responding to it, that they would currently commend the work undertaken to the incoming Council in May 2011, with a recommendation that the situation be considered again in the autumn of 2011.

Primary School Reviews Children and Young People Panel

After the 2007 elections, this Panel continued the final reviews of primary school provision across the area, which its predecessor panel had been conducting. These included: Midsomer Norton/Westfield, Central B&NES - Area 1, North West B&NES, South West B&NES and Central B&NES - Area 2.

Public Involvement each review included a contributor's session in the local schools' area, involving governors, head teachers, parents/carers and interested residents.

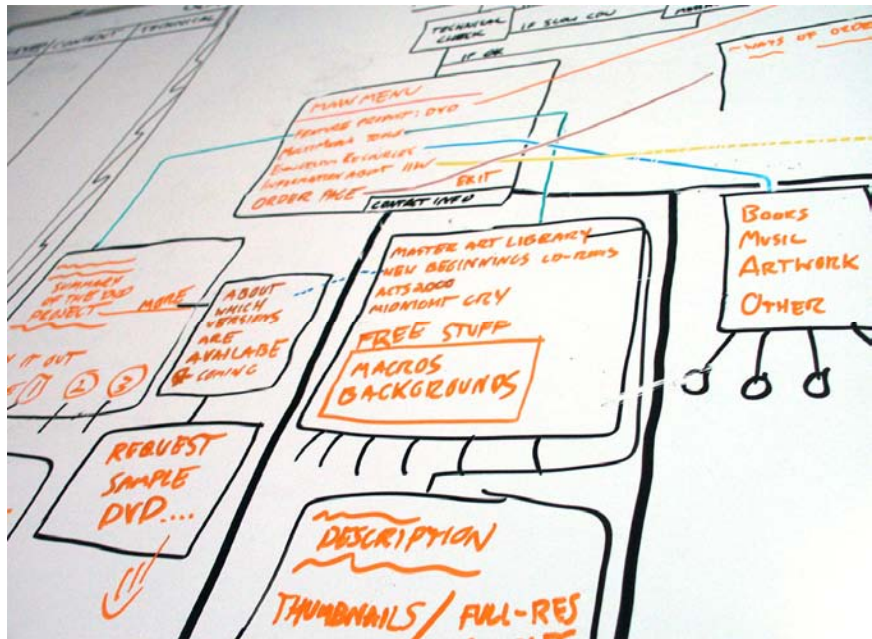
Review and investigation processes

Each Overview and Scrutiny review is unique, but all of them are underpinned by extensive project management systems and processes.

These have been refined and improved over the past four years, incorporating high standard project management processes from the international Association of Project Managers.

In addition, to ensure that the review/investigation work is focused on producing quality evidence and recommendations, and is “adding value” to the

Council and its partner organisation’s services, a structured process for selecting and prioritising subjects has been introduced. This ensures the best use of the financial and personnel resources available to the Panels.



New investigation approach – Scrutiny Inquiry Day

In February 2011, the Safer and Stronger Community Panel held the first scrutiny inquiry day, looking at ways to improve the collection of commercial waste.

The Scrutiny Inquiry Day process aims to bring a range of organisations and individuals together to discuss a common issue or concern, and to work together to develop a jointly owned action plan. It is a “working meeting” which is hosted by the Panel members, rather than a formal public meeting. A final report of the day, including the action plan, is then circulated to all participants and taken to the next public Panel meeting to be endorsed. Any actions for the Council will be forwarded as recommendations to the relevant Cabinet Member(s) through the usual process for their response.

Lessons learned from the February “pilot” will be collated and taken forward in the workload planning for the new Overview and Scrutiny panels post-2011 Council elections.

Call-Ins

What is a Call in?

A call-in gives Councillors the right to have a decision that has been made but not yet actioned reviewed by a relevant Overview and Scrutiny Panel.

If the call-in request meets certain criteria, an Overview and Scrutiny Panel will re-examine the decision. It has the power to ask the Cabinet to reconsider the decision, by “upholding” the issues raised in the call in request.

It is important to note that the Panel can only recommend that the Cabinet reconsider the decision it made. The Panel does not have the power to amend the decision itself. If it does not recommend the Cabinet should reconsider the decision, it will “dismiss” the call-in request.

What decisions are subject to call-in?

Decisions made by:

- the Cabinet
- a Cabinet Councillor
- a committee of the Cabinet
- an Officer taking a key decision acting on a delegated authority from the Council Cabinet
- a body under joint arrangements.

Are there any instances when decisions cannot be called in?

Yes. The call-in procedure does not apply where:

- the Cabinet decision is urgent as defined in the Urgency Procedure Rules
- the effect of a call-in alone would be to cause the Council to miss a statutory deadline for action
- decisions were made by quasi-judicial or Regulatory Committees.

Changes to the Call in process

In May 2010, two changes to the call in process were agreed at the Council’s AGM, at the suggestion of a Constitution Member Working Group:

- The timing for the Panel’s first meeting to discuss the call in, was changed from 10 to 14 working days. The total number of days for the Panel to conclude their call in activity remains at 21 working days.
- A third option for the Panel to refer its role to full Council was approved. The Council can either uphold the call-in, and refer it back to the Cabinet Member(s), or dismiss it (in the same way as the Panel can). It does not have the power to alter the decision.

There have been 9 call-ins since 2007, 2 of which were upheld.

See the table below for more information:

Name of Call-in	Panel	Year	Decision
Transport Capital Programme Reassignment	Safer & Stronger Communities	2007	Dismissed
Bath Plus Limited	Enterprise & Economic Development	2007	Dismissed
Residents Parking	Safer & Stronger Communities	2008	Dismissed
Charging Policy for Adult Care Community Services	Healthier Communities & Older People	2008	Upheld
Government Free Swimming Initiative	Enterprise & Economic Development	2009	Dismissed
Equestrian Access to Footpaths	Enterprise & Economic Development	2009	Dismissed
Contracts awarded for supported public transport services in B&NES	Enterprise & Economic Development	2010	Dismissed
Review of Secondary Schools in Bath	Children and Young People Panel	2010	Upheld
Consultation on the Proposal to close Culverhay School	Children and Young People Panel	2010	Dismissed

Working Together with....

....Partners in Bath and North East Somerset

Creating a 'Memorandum of Understanding':

Panels were given the statutory responsibility of scrutinising the Local Strategic Partnership (which is made up of local public, private and voluntary organisations working together) and its progress with certain actions and targets (known as the Local Area Agreement)⁵.

To promote understanding and a positive relationship in doing this, Overview and Scrutiny has been leading the development of a "Memorandum of Understanding" with the Partnership organisations. The draft Memorandum sets out information about scrutiny, its responsibilities and abilities to make recommendations, and helps to build constructive dialogue between the Panels and partners.

Since the government's decision to abolish the LAA targets, the draft Memorandum will be redeveloped to provide a basis for future relationships, including working together in the light of potential new requirements⁶.

.....Local Councils

Review of Gynaecological Cancer Care (2007-10)

In 2007 the Healthier Communities and Older Panel agreed that a proposed change to gynaecological cancer care services in Bath was a "substantial variation" service, and needed further consultation before the changes were put into place.

The changes involved complex surgery only taking place at a regional Centre of Excellence. For B&NES patients, this would mean travelling to Bristol, rather than the Royal United Hospital (RUH), for certain types of surgery.

Local scrutiny committees in North Somerset Council and Bristol City Council also felt this represented a "substantial change" in the service, and recommended that the relevant PCTs set up further consultation processes, which all the committees continued to monitor, and liaise with each other.

After this consultation, in January 2010, the three councils still agreed they felt the proposals would mean substantial negative change for patients. As a result of these decisions, it would be necessary to hold a joint scrutiny review involving all three councils. However, whilst this was being set up, guidance from the new Secretary of State for Health required changes to health services to be approved in a different way, using a new process involving 'four tests'. These require support from clinicians, GP commissioners, patients, and evidence of engagement with patients, public and councils.

As a result, B&NES PCT have revised their proposals for gynaecological cancer care, and now a split site approach at the RUH and in Bristol will take place.

⁵ See "changes to OS" Duty to Co-operate

⁶ See "The Future for Overview and Scrutiny"

West of England Partnership

Bath and North East Somerset Council joined with Bristol City, North Somerset and South Gloucestershire councils to form the West of England Partnership to plan, apply for funding and provide various services that needed to be managed across the “sub-region”, including waste management, transport, etc.

In 2008 a joint scrutiny committee was established to monitor and challenge this work, and B&NES Council took the lead in setting this up, as there were no protocols or legal requirements to rely on. The Councils negotiated Terms of Reference and working procedures within each council’s Constitution.

In 2010, the introduction of Local Economic Partnerships (LEP) by the government has provided an opportunity for the West of England Partnership to become established more formally, and with greater involvement of the business community. At the moment, it is not clear how the scrutiny role can be integrated with the LEP requirements, although this is still a key role to ensure challenge and accountability.

...all councils in the South West region

The NHS decided that some highly specialised services (such as burns, children’s heart surgery, etc) should be organised on a regional basis, meeting national standards. This could potentially lead to proposals for changes in the south west region that would need the involvement of several councils across the area.

In order to deal with this future complexity, the regional Health Scrutiny Network agreed (to a proposal from B&NES) to develop, a protocol for setting up a regional joint health scrutiny committee. This would ensure that all relevant constitutional requirements and political proportionality issues were negotiated before a joint committee was needed, so there was no delay created at the time by councils needing to agree working practices involving differing constitutions.

The Overview and Scrutiny Manager in B&NES then project managed a consultant to research and negotiate a protocol and draft terms of reference for a regional joint committee. This was agreed by each council within the region, and ready for use at any time a “substantial variation” to a specialised service is agreed by more than one council’s health scrutiny committee.

Other Panel work has included...

Children and Young People Panel

In addition to the reviews that it has carried out during the past four years, the Panel has also examined Youth Justice Plans, the Local Safeguarding Children Board Annual Report, the Children & Young People Plan, Child Poverty and Child Protection / Safeguarding.

They have also seen DVD presentations, including the Council's Pledge to Children in Care, where young people attended the Panel meeting to discuss their experiences.

Corporate Performance and Resources Panel

Over the past four years, the Panel has examined a range of activities within its remit. In addition to regular revenue and capital budget monitoring reports, and the annual Financial Plan, Budget and Council Tax, the Panel has also looked at the development of the corporate Equalities Policy and procedures; the Council's Comprehensive Performance and Value for Money Assessments; Council Performance and use of the QPR system.

It has also received regular updates on the Transformation Programme, as well as providing input through the Council Connect review, and also scrutinised the Carbon Management Programme (incorporating the Big Energy Challenge).

Healthier Communities and Older People Panel

The Health and Social Care Act 2012 requires local authorities with social services responsibilities to have in place arrangements to scrutinise health services. Councillors on the Healthier Communities and Older People Overview and Scrutiny Panel have a role, as representatives of the public, to hold to account local Health organisations when they make big decisions about the future of health care provision in the area – example of which have already been mentioned in this report.

Panel has scrutinised a range of health issues, as well as other services within their remit including receiving regular updates from the Local Involvement Networks. They provided information towards a government Green Paper to set out proposals for changing funding and structures of social care services. To do this they consulted widely, liaising with the public and key organisations and their work led to an invitation to attend the launch of the Green Paper.

The Panel has most recently been involved in the local response to the new changes to the NHS structures and responsibilities⁷, and the establishment of a social enterprise to take over the social care services currently provided by the joint Council and PCT initiative.

⁷ See "The Future for Overview and Scrutiny"

Enterprise and Economic Development Panel

During the past four years, the Panel has scrutinised the progress and completion of range of major projects taking place across the area at each meeting eg; Three Ways School, Writhlington School, Community Resource Centres, Southgate Development and Combe Down Stone Mines. This has also involved visiting many of the projects, to provide essential context to the reports they reviewed.

They have also looked into a variety of key strategies, such as the Core Strategy Regeneration Delivery Plans and Public Realm & Movement Strategy, as well as receiving updates and providing comments on the activities of Future Bath Plus, and Festivals and Events within Bath & North East Somerset.

The Panel has begun to prepare for the requirements of the Flood and Water Management Act (2010)⁸: having already received a presentation about the new Act. They will be focussing their scrutiny on the development of the Preliminary Flood Risk Assessment, which will identify flood risk areas and resources.

Safer & Stronger Communities Panel

Since 2009, this Panel has been the delegated crime and disorder committee for the Council, as required by the Police and Justice Act 2006.⁹

To build relationships, develop this role and set out a procedure note for the scrutiny process, the Panel has worked closely with the Council's Community Safety Manager, and the Council's partners in the Responsible Authorities Group (Crime and Disorder Partnership).

In addition to the Council the Responsible Authorities Group includes Avon & Somerset Constabulary, Avon Fire & Rescue, the National Probation Service, Somer Community Housing Trust and NHS B&NES.

The Panel regularly looks at themes and issues within the work of the Responsible Authorities Group, as they deliver the Community Safety Strategy.

The Panel's approach to these new duties has been shared with other local authorities, who have been impressed by the successful relationship between the Panel and Community Safety partners.

In addition, the Panel has also scrutinised a Member/Officer Working Group looking into urban gulls, the Joint Waste Strategy, the Parish Charter development, and received updates from Member Champions.



⁸ See "New Legislative Requirements"

⁹ See "New Legislative Requirements"

The future for Overview and Scrutiny

Legislation

There are a number of new pieces of legislation that are currently being implemented by the coalition government, of particular importance to the scrutiny role are the Localism Bill, the Health and Social Care Bill, and the Police Reform and Social Responsibility Bill

The Localism Bill

The draft of this Bill currently mainly combines much of the current scrutiny legislation in one place. There is one change that works with the Health and Social Care Bill (below) to make joint committees possible. Currently these are only formally possible for health “substantial variation” joint working, and between county and district councils.

If any council should change to the “committee” system (which the Bill allows), the scrutiny requirements for these councils are:

- must ensure that the statutory scrutiny requirements (health, community safety and flood management) are still delivered;
- may appoint one or more scrutiny committees (subject to regulations) which must be identified in the Constitution.

The Health and Social Care Bill

This plans to dissolve Primary Care Trusts and move commissioning powers to groups of GPs, known as GP Consortia. These will be responsible for organising and paying for health services provided by hospital, mental health and ambulance trusts, as well as specialised or community health services.

As part of this redistribution of responsibilities and funding, there will be the creation of two new bodies in each council area –

- The Health and Wellbeing Board is responsible for the strategic direction of health services (via the Joint Strategic Needs Assessment) to tackle both service and geographic health needs across the area. The GP Consortia will form part of this Board.
- The Local Involvement Networks (patient advice and monitoring service) will become Health Watch, which will be part of the Care Quality Commission, as well as liaising with the H&WB and scrutiny organisations in their area.

Under these proposals, councils will be able to scrutinise any provider of health care services in their area, (including dentistry and public health directives).

Police Reform and Social Responsibility Bill

This Bill introduces proposals for a new elected Police and Crime Commissioner, who will prepare a Police and Crime Plan (for Avon and Somerset in this case) and Annual Report. There is also a Police and Crime Panel made up of relevant local councils to receive the Annual Report, and hold the Commissioner to account.

At the moment, although many roles and relationships have been set out, it is not clear if the Police and Crime Panel will be made up of executive or non-executive/scrutiny councillors, and how its relationship with the individual councils' crime and disorder scrutiny will work.

Public Health White Paper “Healthy Lives; Healthy People”

The government plans to give local Councils the responsibility for public health provision. As a result, public health will become an area for scrutiny as a council responsibility, although possibly not through the health scrutiny powers.

Further information about potential scrutiny involvement is expected to become clearer as the White Paper responses and Bill are made available.

Local Economic Partnerships¹⁰ (“Sub-National Growth” White Paper)

Currently there are no direct requirements for setting up or involving scrutiny councillors from the councils who are involved in these. Nationally, LEPs are developing their governance structures individually, and deciding accordingly whether or not to formally include the overview and scrutiny role.

In Bath and North East Somerset

In addition to the legislation changes above, locally the council elections in May 2011 and economic circumstances will direct the future of overview and scrutiny – its structure, responsibilities and activities in the area.

The prioritisation system for reviews and investigations will ensure that overview and scrutiny continues to “add value” through its activities. This will be helped by the high standards of project management and joint working with partners that have been developed, and provide good practice to build upon.

Looking to the future, there will need to be more scrutiny of partnerships that the Council takes part in, as well as using recent experience to effectively scrutinise key points in the development and monitoring of current and future contracts for services.

¹⁰ See page “Working Together with Local Councils” for details

Working with the Overview and Scrutiny Panels....

..... non-Council Organisations and individuals

Many organisations and individuals have been involved in the work of the Panels during the past four years. Although not a full list, some of the more regular groups and people to do this include...

- Avon and Somerset Police, particularly Bath and North East Somerset District
- Local and regional health trusts, including
 - BANES PCT,
 - the Royal United Hospital,
 - the Royal National Hospital for Rheumatic Diseases (known locally as “the Min”)
 - Avon and Wiltshire Mental Health Trust,
 - Avon Cancer Services,
 - Great Western Ambulance Service.
- The Local Involvement Network (LINKs), and the previous Patient and Public Involvement Forums;
- Peter Duppa-Miller, Secretary, B&NES Local Councils Association;
- Action for Pensioners;
- Better Bath Forum;
- David Redgewell South West Transport Network.

.....within the Council

- Cabinet Members liaise with Panel Chairs about possible work plan items or review requests, and at Panel meetings they
- present a summary of their current activities and decisions,
- take part in question and answer sessions.
- respond to Panel recommendations from reports presented to the Panel,
- respond to recommendations from specific Panel reviews and investigations, participate in Call – in processes.

Council Officers

- Strategic Directors are allocated to each Panels, and provide
 - information and advice about Panel work plan items,
 - advance identification of initiatives and issues the Panel may wish to be informed about or involved in.
- Divisional Directors and other senior officers present reports and information, and request comments or feedback on policy or strategy development, and are involved in Panel reviews and other investigations.

Overview and Scrutiny Team

Over the past four years, the Panels have received dedicated support from the Overview and Scrutiny Team. This comprises:

- Overview and Scrutiny Manager
- Two Project Officers¹¹
- Two Democratic Services Officers¹²
- Overview and Scrutiny Support Assistant.

Please contact the team on **01225 39 6410** or **scrutiny@bathnes.gov.uk** for any further information about overview and scrutiny in Bath and North East Somerset.

¹¹ See page 25 for more about their role

¹² See page 10 for more about their role