WHAT IS OVERVIEW AND SCRUTINY?

Overview and Scrutiny has been variously described as ‘auditor’, ‘watchdog’, ‘critical friend’ and ‘champion of the people’.

Waltham Forest Councillors carry out Overview and Scrutiny to ensure that the decisions of Waltham Forest Cabinet and Council are subject to independent examination. They also review and make recommendations to help develop Council policies. Such direct scrutiny by elected Councillors is vital for ensuring the Council’s actions, policies and practices are beneficial, appropriate and effective for the communities it serves.

Interestingly, the Local Government Act 2000 gives Overview and Scrutiny the authority to scrutinise the performance of other public bodies in the local area. For example, the Health and Social Care Act 2001 gives the Council the responsibility to scrutinise local health provision and providers.

The Act also gives Overview and Scrutiny general powers to consider any matter affecting the local area or its inhabitants. So if there is an issue causing concern to a local community, Scrutiny can step in and examine the problem.

HOW IS OVERVIEW AND SCRUTINY CARRIED OUT?

There are two approaches to an overview and scrutiny examination.

**The first approach** – Examination of various issues via Overview & Scrutiny Committees.

There are seven dedicated thematic Scrutiny committees, each with four (4) non-executive councillors:

- Budget Committee
- Community Safety Committee
- Education Committee
- Growth Committee
- Health Committee
- Neighbourhoods Committee
- Social Care Committee

Scrutiny Committees may co-opt people with particular expertise or local knowledge as non-voting members or advisers.
The second approach - Examination of a specific issue via a Scrutiny Panel.

The Overview and Scrutiny Management Committee sets up time-limited Panels to focus on specific issues. A Panel will examine an issue and the Panel writes a report on their findings. The Panel’s report goes to Cabinet, Council or other relevant bodies for approval and action.

Although in Waltham Forest there are two approaches to an overview and scrutiny examination, the methods used in both approaches are similar, i.e. getting information, sifting the evidence, weighing up the factors and coming to a judgement. To do this Overview and Scrutiny not only needs to look at documents and data, it needs to speak to ‘witnesses’. Witnesses may be practitioners, service users, experts, the public, any person or organisation with a useful connection to the issue under examination.

That is to say, Overview and Scrutiny will invariably need to do one or more of the following:

- find out the views of the public or service users,
- consider the key issues with stakeholders from the public, business and voluntary sectors,
- request information from Council departments and other practitioners.

WHAT DOES IT MEAN TO BE A WITNESS?

Witnesses are people or representatives from organisations whose expertise, experience or opinion is relevant to a particular issue being scrutinised and whose involvement is necessary to usefully examine the issue.

Witnesses who are obligated to participate in Overview and Scrutiny

In accordance with the Council Constitution, certain persons must attend Overview and Scrutiny meetings if they have been requested to do so.

Overview and Scrutiny Councillors can require, as a duty, attendance by Cabinet members, the Chief Executive or other senior Officers (Executive Director, Head of Service, Unit and Group Manager, Team Leader levels, Officers with management responsibilities) regarding:

i) any particular decision or series of decisions:
ii) the extent to which the actions taken implement Council policy; and/or
iii) their performance.

The Health and Social Care Act 2012 also binds National Health Service chief executives to participate in Overview and Scrutiny.

Voluntary witnesses

In addition to those who are required to attend Overview and Scrutiny it is important for to involve a wide range of other people to discuss issues of local concern and/or answer questions. For example, views may be sought from residents, stakeholders, local businesses, employees in other parts of the public and the voluntary sector. Although invited, such witnesses are free to decline involvement in Scrutiny. However such involvement and engagement is critical to the success of Overview and Scrutiny.

Invitations to witnesses will clearly state what is being examined and how the witnesses’ involvement will benefit the process. Witnesses will also be sent a
record of their involvement (eg minutes of the meeting) or a copy of the outcome of the issue with which they assisted (eg Panel Report detailing the final findings and recommendations).

**CONTACTING WITNESSES**

Experts and interested parties for the issue being scrutinised are identified and invited to participate – usually by phone, email or letter. Scrutiny Unit Staff invite witnesses at least 5 working days in advance of the meeting at which their expertise and views are sought.

Where the issue is of general public concern, a press notice may be printed or a mailout organised to the relevant community groups/residents.

The Scrutiny Unit gives guidance on what kind of information is being sought, why that information is needed, what influence the witness may have on the issue being examined, what documents are required, the format of the meetings, etc. The Unit will also inform the witness when the outcomes of the issue being examined will be made available to them.

**CAN WITNESSES SUBMIT WRITTEN INFORMATION ?**

Written information is always welcome as it is a helpful record of views and it helps Committees and Panels to use their time more efficiently. Even if witnesses give oral evidence, it is helpful to also submit written evidence beforehand as Members can refer to the points in the written statement. Written statements are particularly useful when witnesses speak on technical, detailed or specialist matters.

Points to consider when submitting a Written Witness Statement:

- It should be accurate and relevant to the issue under examination.
- It should be jargon free (eg explain what any technical terms mean and do not use abbreviations or acronyms).
- It should not be defamatory or offensive. (In such instances the Council would seek legal advice about how to treat potentially defamatory or offensive Statements).
- It should be passed to the Scrutiny Unit in good time for distribution. It needs to be submitted in good time because the Statement may need to be distributed to a number of people and in some cases must follow legal rules about how and when it is published or whether it must not be published due to its confidential/sensitive nature.
- It should give details about the witness (eg name of witness, details of any organisation they are representing, the reason for their interest in the issue being scrutinised).
- It should give contact details of the witness. Contact details will always be passed to the membership. Witnesses who do not want their contact details available to the general public must state this clearly on their Statement.

Witnesses are invited to speak to Scrutiny Unit Staff if they need assistance with their Statements.
HOW DO WITNESSES GIVE INFORMATION IN PERSON?

There can be great differences to the types of meetings/sessions witnesses are invited to participate in:

- informal meetings with a couple of councillors for a detailed discussion.
- meetings where witnesses are grouped into small ‘workshop’ sessions to discuss the issue via a set of questions.
- formal meetings where witnesses respond to questions put to them by councillors.
- Site visits where councillors meet witnesses in their place of work or where they receive a Council service, etc so that councillors see the issue in practice and at first hand.

The primary focus for witnesses, regardless of the type of meeting they are in, should be to not only respond to questions but to feel free to provide information which they feel has a bearing on the issue being examined.

Overview and Scrutiny is about two-way dialogue and therefore a unique opportunity for witnesses with direct involvement on an issue to share their experiences and so have an influence on the decisions and policies of the Council. For this reason, meetings aim to be open, non-confrontational environments where all participants treat each other with mutual respect.

Witnesses can usually leave a meeting once the issue they are involved with has been dealt with. Witnesses should seek guidance from Scrutiny Unit Staff as to when they can leave a meeting.

WHAT HAPPENS AFTER WITNESSES HAVE PARTICIPATED?

Witnesses may be sent copies of the minutes of the meeting or session they have attended or if they have participated in the work of a Panel (site visits, workshops etc), they may be sent a copy of the final report or recommendations.

Occasionally witnesses are invited to complete Feedback Forms so that Scrutiny can monitor witnesses’ experience of the process. Voluntary feedback is always welcome and if witnesses have a comment on any aspect of their involvement, they should contact the Scrutiny Unit.

Witnesses can additionally view the progress of the issue they have participated in by visiting the Scrutiny Unit website.

The website has detailed information on meetings, agendas, reports and other helpful information such as answers to Frequently Asked Questions.