

## Appendix A

### Cambridgeshire Scrutiny Protocol on Inter-Authority Cooperation

#### Introduction

National Government encourages local authorities to think beyond their own service provision and act, with partners, as community leaders in tackling the issues that are important to local communities.

This includes the councils' overview and scrutiny committees (OSCs) whose role is to hold decision-makers to account and provide evidence-based recommendations for improving policies and services. Within this protocol the term OSC is used to include scrutiny sub-committees, ad hoc groups, task and finish groups and other mechanisms used for conducting overview and scrutiny.

For OSCs to exercise their broader role effectively and to improve outcomes locally, there needs to be close interaction between the relevant authorities and agencies. This raises the quality of scrutiny work, enables good practice to be shared, coordinates the demands placed on partners and may offer opportunities to pool resources.

OSCs' role regarding scrutiny of and with partners is strengthened through the Police and Justice Act 2006 (both County and District Scrutiny Committees are required to undertake crime and disorder scrutiny at least once a year) and the Local Government and Public Involvement in Health Act 2007. The latter has particularly positive implications for two tier areas:

- District council OSCs may make reports and recommendations on matters relating to a local improvement target to the relevant county council or county council executive
- The county council or county executive is required to respond within two months to a district's OSC report or recommendation
- Associated authorities are required to have regard to reports and recommendations made by district OSCs.

This protocol sets out how the councils of Cambridgeshire will work together with partners in the interests of our residents. It focuses specifically on County:District scrutiny arrangements, but could also relate to District:District working.

It is important to recognise that County and District OSCs can also make recommendations to a wide range of other partners and thematic strategic partnerships in addition to the work of the Joint Accountability Committee (JAC) whose role is to provide strategic scrutiny of Cambridgeshire Together.

It will also be important to ensure that scrutiny of and with partners is managed carefully by all the councils to ensure that partners are not overburdened with simultaneous requests for data or support.

## **Aims of the Protocol**

1. To ensure that OSCs operating in Cambridgeshire's County and District Councils can scrutinise each other's and partners' functions, effectively and with efficient use of public resources to improve outcomes locally through complementary working wherever possible.

## **Principles**

2. All authorities and partners recognise OSC's role in scrutinising functions that may be wider than the direct responsibility of its own authority.
3. All authorities and partners will work together respectfully constructively to maximise the exchange of information and experience, minimise bureaucracy and make best use of the time of Members and Officers of local authorities and other agencies.
4. In undertaking scrutiny of an issue beyond the responsibility of the host authority, scrutiny committees will find the most efficient and practicable way of conducting the work, which could include referral to another authority.
5. All authorities give their commitment to acting with mutual respect and seeking to resolve any disputes through constructive dialogue.
6. Each authority, or partner, will nominate a named Contact Officer for the operation of these procedures.

## **Procedures**

### Sharing Information

7. Each authority will proactively and regularly share work programmes and the reports of scrutiny reviews to promote an awareness and understanding of what each OSC seeks to achieve and has achieved. This will include the sharing of work programmes at Joint Accountability Committee meetings.

8. If an OSC wishes to investigate an issue that falls wholly or partly within the provision or responsibility of a second authority, then it should consult the contact officer within that authority about:
  - the purpose, scope and timescale of the proposed investigation
  - opportunities for collaboration
  - any investigations or consultations already underway or completed that may contribute to or preclude the proposed investigation
  - resource issues that might affect cooperation
  - any risk of overburdening shared partners or service providers
  - whether any particular Members need to be involved or informed
  - whether the proposed scrutiny would be more appropriately carried out by another council's OSC, JAC or another joint mechanism.
  - Whether members from another authority could be co-opted for example onto a scrutiny sub group
9. Consideration should be given to whether the issue could be investigated more effectively in another forum, for example the Joint Accountability Committee, or whether there is scope for joint action including co-opting members of the other authority onto a scrutiny sub group.
10. Ultimately whether an OSC decides to continue with a particular investigation is a matter for it following consultation.
11. A councillor can only raise a Councillor Call for Action with his or her own council.
12. All contacts should be through or with the knowledge of the relevant Contact Officers.

#### Requests for Evidence or Attendance at OSC Meetings

13. If an OSC wishes to invite evidence from an Officer or Member of a second authority, or partner, it should inform the Contact Officer as soon as practicably possible, giving at least 2 weeks notice. The Contact Officer will assist with the invitation process or information gathering if requested, as far as is practicable.
14. All authorities will seek to respond positively to reasonable requests for information or attendance at OSC meetings.
15. It is for each authority to decide the most appropriate persons(s) to speak on its behalf to an OSC, but consideration will be given to specific requests.

16. OSCs will seek to avoid overburdening individual organisations by coordinating investigations where possible.
17. Research that involves a partner will be undertaken sensitively, with councils taking care to avoid duplication or unreasonable requests which would require a disproportionate amount of the partners' resources. Ideally, an understanding about requests for information will be agreed with the Contact Officer at the outset, so that all other Contact Officers can be made aware.

### Sharing Reports

18. A report that concerns a particular partner will be sent to them on a confidential basis at least 2 weeks prior to publication to allow them to comment on matters of accuracy. The status of the report will be made clear; whether it is draft and when it will be published. The OSC would be under no formal obligation to accept any changes requested.

### Response to Recommendations

19. When an OSC presents a report to the Executive of another authority, or partner, the Executive will be asked to provide a formal response to the report and its recommendations within two months of receipt. *(Note; NHS bodies are required to respond to OSC reports and recommendations within 28 days of the request of the Committee).*

### Conflict Resolution

20. In the unlikely event of irreconcilable disagreement about the operation of these procedures, the Chief Executives of the relevant authorities will be asked to mediate.