



Nottinghamshire  
County Council

# Overview and Scrutiny

## **Speech to Working Together – Let's Talk**

**9 June 2008**

**East Midlands Conference Centre**

### **Welcome**

Good Morning Ladies and Gentlemen.

Thank you for inviting me to talk to the conference about the role of  
Overview and Scrutiny

### **OSC**

The Local Government Act 2000 transformed the role of local authorities by introducing the concept of 'community leadership' and a new duty to promote the economic, social and environmental well-being of local communities. The Government recognised that 'community leadership should be at the heart of the role of modern local government.'

One particular dimension of modernising local government has been "democratic renewal", an aspect of which has been the need

for councils to demonstrate efficient, transparent and accountable decision-making. For the majority of councils this has meant replacing the traditional committee system with a separate decision-making executive and overview and scrutiny committees.

For “non executive” councillors who serve on scrutiny committees, this provided a significant new role in scrutinising the delivery of effective public services that includes overseeing the development of key local policies and strategies (both internal and external to the council) and reviewing their effectiveness. Scrutiny is also about holding the executive to account for key decisions and scrutinising the work of external service providers that impact on the well-being of the local population.

First of all let me explain that the O and S Committee does not only look at the work undertaken by the County Council.

There are some organisations or companies that also fall under our remit. For instance, we can look at the power supply industry in relation to it's delivery within the county. We can look into the way the Police deliver some of their services and the impact they may have on Council policy. The remit is therefore wide and provided it is of a strategic nature we are able to look into the way the service

is delivered.

In Nottinghamshire we have tried several approaches to Overview and Scrutiny since the function was introduced. Two years ago the County Council introduced the current system which has so far proven quite successful.

The County Council has one overview and scrutiny committee which manages the overall scrutiny function. It is led by the Chair of Overview and Scrutiny and I have held that post since it was created.

The OSC will usually look to scrutinise issues of a strategic nature and will use performance information to identify possible areas where elected Member involvement could lead to improvement.

The OSC also invites Members to put forward suggestions for topics to review

The OSC commissions a number of topic select committee to undertake scrutiny reviews of issues that it has identified.

Currently we have reviews looking at

- School Attendance and Support,
- the impact of Flooding last summer
- sickness absence and

- new policies to safeguard vulnerable adults.

Each Select Committee that undertakes a review is led by a Member of the OSC and can request information or evidence from any number of sources. The Select Committee will look at best practice around the topic under review before agreeing a final report which will contain a number of recommendations for improvement.

The County Council's executive - the cabinet - will then be invited to consider and respond to each recommendation. Where a recommendation is accepted the OSC will monitor progress to ensure that it is implemented, where the executive disagree with a recommendation there is an expectation that they will explain their position to the OSC in public.

## **Growing Role**

Scrutiny has always had a role in looking at services provided by outside bodies and the Local Government and Public Involvement in Health Act 2007 includes provisions for a greater focus on the shared delivery of services across an area. As public service providers move towards greater partnership working, shared priorities and working to deliver the same vision for the area

through the local area agreement and the sustainable community strategy, so scrutiny is developing to ensure that those services are provided and those priorities met. Public service providers who are to work together and are placed under a duty to co-operate not just over the delivery of services but with the scrutiny of them. When implemented the new provisions in the Act will also require the executives of partner organisations to be mindful of the recommendations of overview and scrutiny.

### **Health Scrutiny**

The ability to scrutinise the local NHS has been in place much longer than the duty to co-operate and has provided lessons that will have to be taken on board when developing scrutiny of other public service providers. Since 1st January 2003, local authorities that have social services responsibilities have been required to have an overview and scrutiny committee that can scrutinise the provision of local health services. This builds on the role to promote local community well-being set out in the Local Government Act 2000.

The introduction of health scrutiny established a major new role for elected local councillors within the English health care system.

Guidance from the Department of Health described the purpose of health scrutiny as “acting as a lever to improve the health of local people... and securing the continuous improvement of health services and services that impact on health.”

Building on local authorities’ responsibility to promote the well-being of their communities, health scrutiny is wide ranging and can include tackling local health inequalities, health promotion and the prevention of illness, as well as the roles and activities of NHS bodies in planning, commissioning and providing services.

OSCs are encouraged to scrutinise whether:

- health services reflect the views and aspirations of local communities
- all sections of local communities have equal access to services
- all sections of local communities have an equal chance of a successful outcome from services

The lead responsibility for carrying out health scrutiny lies with councils that are responsible for social services. In

Nottinghamshire that is the County Council (and for the City it is the City Council), District Councils can also scrutinise local health

matters - in fact the county council supports this and has delegated a number of areas of scrutiny to them.

The Overview and Scrutiny Committee has taken two approaches to Health Scrutiny:

The first is Scrutiny of the local NHS as part of a review possibly focused on a particular service or the delivery of a strategic priority of the Community.

The second is responding to a proposal for a substantial variation or development of local health services.

In the **first** approach the County Council will work in a proactive way, looking to generate improvements in much the same way as any of our other reviews.

A recent example of this would be a review looking at the rural emergency service provided by the East Midlands Ambulance Service. The Overview and Scrutiny Committee identified from the Trust's annual health check that this was a particularly challenging area and spent a number of months working with EMAS to look at this. The final report published a number of recommendations that

particularly looked to strengthen partnership working. The report has been well received by EMAS – focusing future service delivery - and was also highlighted as a strength in a recent comprehensive performance assessment of the County Council. A similar review is currently taking place looking at LIFT Buildings.

It is perhaps interesting to note that in the recent kings fund discussion paper - should primary care trusts be made more locally accountable – strengthening this role of scrutiny was suggested as one option to tackle the perception of a democratic deficit in the NHS.

The **second** area of scrutiny of the NHS is perhaps the more challenging and can tie up a considerable amount of resource.

Where the local NHS plans to make a substantial change to services, or to develop new services it has to involve the public and patients in the planning and developing of those proposal. Part of that process also includes consulting the County Council Overview and Scrutiny Committee – as a separate body to any other consultation with the County Council.

The Overview and Scrutiny Committee will usually set up a Select Committee to consider and respond to the proposals.

There is no set definition of what is substantial and the Committee will usually make this decision based on factors such as

- **changes in accessibility of services;**
- **impact of the service on the wider community and other services,** including economic impact, transport and regeneration;
- **number of patients affected** - changes may affect the whole population of a geographical area or a small group. If a change affects a small group of patients it may still be 'substantial', especially if patients need to continue to access that service for many years;
- **methods of service delivery,** e.g. moving a particular service into a community setting from an acute hospital setting.

This process allows Members to represent the concerns of communities and ensure that from the take of the public that they receive the best possible service. It can be confrontational, but never has the County Council failed to reach agreement with the

local NHS. We have a power to refer matters to the Secretary of State for Health but have never had to use it and I hope that we never have to. We have come close, but have always reached agreement.

This area of work has been taking place for a number of years and we have looked at proposals from most Nottinghamshire Trusts including converting wards at Millbrook, the merger of the two Nottingham hospital trusts and currently the development of GP-led walk-in centres. Some of our responses have been provided in partnership with the City Council through the Joint Health Scrutiny Committee.

## **Conclusion**

To sum up we will carry out our scrutiny in an even handed way. We will start with a clean sheet and place all the evidence we acquire upon it and slowly build up the picture. Our conclusions will be based on what it is we find out according to facts we can substantiate.

To that end we will invite the widest possible range of witnesses and experts. We will listen to every opinion, take account of it in

our deliberations and, where relevant, include it in our conclusions.

Our ultimate goal is to provide the best possible comment on the service in order to assist in improving it to most people's satisfaction.

We want to work with everybody and not against anybody.

**Edward Llewellyn-Jones**

**Chair of Overview and Scrutiny**

**Nottinghamshire County Council**

Further information on Overview and Scrutiny can be found at  
<http://www.nottinghamshire.gov.uk/scrutiny>